

1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 Case No. 95-88888-cgm

4 - - - - - x

5 In the Matter of:

6 THE BANKRUPTCY LINK,

7 Debtor.

8 - - - - - x

9 Adv. Case No. 08-01789-cgm

10 - - - - - x

11 SECURITIES INVESTOR PROTECTION CORPORATION,

12 Plaintiff,

13 v.

14 BERNARD L. MADOFF INVESTMENT SECURITIES, LLC. et al.,

15 Defendants.

16 - - - - - x

17 Adv. Case No. 10-04986-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 KNEE,

23 Defendants.

24 - - - - - x

25

1 Adv. Case No.10-05083-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 THE S. JAMES COPPERSMITH CHARITABLE REMAINDER UNIT,

7 Defendants.

8 - - - - - x

9 Adv. Case No. 10-05144-cgm

10 - - - - - x

11 PICARD,

12 Plaintiff,

13 v.

14 ESTATE OF BERNARD J. KESSEL et al.,

15 Defendants.

16 - - - - - x

17 Adv. Case No. 10-05169-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 FAIRFIELD PAGMA ASSOCIATES, LP, A NEW YORK LIMITED,

23 Defendants.

24 - - - - - x

25

1 Adv. Case No. 10-05346-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 MERRILL LYNCH INTERNATIONAL,

7 Defendants.

8 - - - - - x

9 Adv. Case No. 10-05348-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 NOMURA BANK INTERNATIONAL PLC et al.,

15 Defendants.

16 - - - - - x

17 Adv. Case No. 10-05351-cgm

18 - - - - - x

19 IRVING H. PICARD, ESQ., TRUSTEE FOR THE SUBSTANTIVE,

20 Plaintiff,

21 v.

22 BANCO BILBAO VIZCAYA ARGENTARIA, S.A.,

23 Defendants.

24 - - - - - x

25

1 Adv. Case No. 11-02493-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 ABU DHABI INVESTMENT AUTHORITY,

7 Defendants.

8 - - - - - x

9 Adv. Case No. 11-02538-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 QUILVEST FINANCE LTD.,

15 Defendant.

16 - - - - - x

17 Adv. Case No. 11-02539-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 MERITZ FIRE & MARINE INSURANCE CO. LTD.,

23 Defendants.

24 - - - - - x

25

1 Adv. Case No. 11-02540-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 LION GLOBAL INVESTORS LIMITED,

7 Defendants.

8 - - - - - x

9 Adv. Case No. 11-02541-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 FIRST GULF BANK,

15 Defendant.

16 - - - - - x

17 Adv. Case No. 11-02542-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 PARSON FINANCE PANAMA S.A.,

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 11-02551-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 PARSON FINANCE PANAMA S.A.,

7 Defendant.

8 - - - - - x

9 Adv. Case No. 11-02551-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 DELTA NATIONAL BANK AND TRUST COMPANY,

15 Defendant.

16 - - - - - x

17 Adv. Case No. 11-02553-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 MADOFF INVESTMENT SECURITIES LLC,

21 Plaintiff,

22 v.

23 UNIFORTUNE ASSET MANAGEMENT SGR SPA et al.,

24 Defendant.

25 - - - - - x

1 Adv. Case No. 11-02554-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 NATIONAL BANK OF KUWAIT S.A.K..

7 Defendant.

8 - - - - - x

9 Adv. Case No. 11-02568-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 CATHAY LIFE INSURANCE CO. LTD. et al.,

15 Defendant.

16 - - - - - x

17 Adv. Case No. 11-02569-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 BARCLAYS BANK (SUISSE) S.A. et al.,

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 11-02570-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 Banca Carige S.P.A.

7 Defendant.

8 - - - - - x

9 Adv. Case No. 11-02572-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 KOREA EXCHANGE BANK, INDIVIDUALLY AND AS TRUSTEE,

15 Defendant.

16 - - - - - x

17 Adv. Case No. 11-02573-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 THE SUMITOMO TRUST AND BANKING CO., LTD.,

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 11-02730-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 ATLANTIC SECURITY BANK,

7 Defendant.

8 - - - - - x

9 Adv. Case No. 11-02731-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 TRINCASTER CORPORATION,

15 Defendant.

16 - - - - - x

17 Adv. Case No. 11-02732-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 BUREAU OF LABOR INSURANCE,

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 11-02733-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 NAIDOT & CO.,

7 Defendant.

8 - - - - - x

9 Adv. Case No. 11-02758-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 Caceis Bank Luxembourg et al

15 Defendant.

16 - - - - - x

17 Adv. Case No. 11-02759-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 Nomura International PLC

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 11-02760-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 ABN AMRO BANK N.V. (presently known as THE ROYAL B

7 Defendant.

8 - - - - - x

9 Adv. Case No. 11-02761-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 KBC Investments Limited

15 Defendant.

16 - - - - - x

17 Adv. Case No. 11-02762-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 Lighthouse Investment Partners LLC, d/b/a Lighthou

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 11-02763-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 Inteligo Bank LTD. Panama Branch, f/k/a Blubank LT

7 Defendant.

8 - - - - - x

9 Adv. Case No. 11-02784-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 Somers Dublin Limited et al

15 Defendant.

16 - - - - - x

17 Adv. Case No. 11-02796-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 BNP Paribas Arbitrage SNC

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 11-02910-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 Merrill Lynch Bank (Suisse) SA

7 Defendant.

8 - - - - - x

9 Adv. Case No. 11-02922-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 Bank Julius Baer & Co. Ltd.

15 Defendant.

16 - - - - - x

17 Adv. Case No. 11-02923-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 Falcon Private Bank Ltd. (f/k/a AIG Privat Bank AG

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 11-02925-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 Credit Suisse AG et al

7 Defendant.

8 - - - - - x

9 Adv. Case No. 11-02929-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 LGT Bank in Liechtenstein Ltd.

15 Defendant.

16 - - - - - x

17 Adv. Case No. 12-01002-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 The Public Institution For Social Security

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 12-01004-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 Fullerton Capital PTE Ltd.

7 Defendant.

8 - - - - - x

9 Adv. Case No. 12-01005-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 SICO Limited

15 Defendant.

16 - - - - - x

17 Adv. Case No. 12-01019-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 Banco Itau Europa Luxembourg S.A. et al

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 12-01021-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 Grosvenor Investment Management Ltd. et al

7 Defendant.

8 - - - - - x

9 Adv. Case No. 12-01022-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 Credit Agricole (Suisse) S.A. et al

15 Defendant.

16 - - - - - x

17 Adv. Case No. 12-01023-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 Arden Asset Management Inc. et al

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 12-01046-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 SNS Bank N.V. et al

7 Defendant.

8 - - - - - x

9 Adv. Case No. 12-01047-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 KOCH INDUSTRIES, INC., as successor in interest to

15 Defendant.

16 - - - - - x

17 Adv. Case No. 12-01048-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 Banco General S.A. et al

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 12-01194-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 Kookmin Bank

7 Defendant.

8 - - - - - x

9 Adv. Case No. 12-01195-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 Six Sis AG

15 Defendant.

16 - - - - - x

17 Adv. Case No. 12-01202-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 Bank Vontobel AG f/k/a Bank J. Vontobel & Co. AG e

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 12-01205-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 Multi-Strategy Fund Limited et al

7 Defendant.

8 - - - - - x

9 Adv. Case No. 12-01207-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 Lloyds TSB Bank PLC

15 Defendant.

16 - - - - - x

17 Adv. Case No. 12-01209-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 BSI AG, individually and as successor in interest

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 12-01210-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 Schroder & Co. Bank AG

7 Defendant.

8 - - - - - x

9 Adv. Case No. 12-01211-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 Union Securities Investment Trust Co., Ltd. et al

15 Defendant.

16 - - - - - x

17 Adv. Case No. 12-01216-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 Bank Hapoalim B.M. et al

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 12-01512-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 ZCM Asset Holding Company (Bermuda) LLC

7 Defendant.

8 - - - - - x

9 Adv. Case No. 12-01565-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 Standard Chartered Financial Services (Luxembourg)

15 Defendant.

16 - - - - - x

17 Adv. Case No. 12-01566-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 UKFP (Asia) Nominees Limited

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 12-01577-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 UBS Deutschland AG as successor in interest to Dre

7 Defendant.

8 - - - - - x

9 Adv. Case No. 12-01669-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 Barfield Nominees Limited et al

15 Defendant.

16 - - - - - x

17 Adv. Case No. 12-01670-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 Credit Agricole Corporate and Investment Bank d/b/

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 12-01676-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 Credit Suisse AG, as successor in interest to Clar

7 Defendant.

8 - - - - - x

9 Adv. Case No. 12-01677-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 SOCIETE GENERALE PRIVATE BANKING (SUISSE) S.A. (f/

15 Defendant.

16 - - - - - x

17 Adv. Case No. 12-01680-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 Intesa Sanpaolo SpA (as Successor in Interest to B

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 12-01690-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 EFG BANK S.A., f/k/a EFG Private Bank S.A. et al

7 Defendant.

8 - - - - - x

9 Adv. Case No. 12-01693-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 Lombard Odier Darier Hentsch & Cie

15 Defendant.

16 - - - - - x

17 Adv. Case No. 12-01694-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 BANQUE CANTONALE VAUDOISE

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 12-01695-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 Bordier & Cie

7 Defendant.

8 - - - - - x

9 Adv. Case No. 12-01697-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 ABN AMRO Fund Services (Isle of Man) Nominees Limi

15 Defendant.

16 - - - - - x

17 Adv. Case No. 12-01700-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 Citibank (Switzerland) Ltd.

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 10-04488-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 South Ferry Building Company, a New York limited p

7 Defendant.

8 - - - - - x

9 Adv. Case No. 10-04538-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 James B. Pinto Revocable Trust U/A dtd 12/1/03 et

15 Defendant.

16 - - - - - x

17 Adv. Case No. 10-04631-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 151797 Canada Inc.

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 10-04702-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 S&L Partnership, a New York partnership et al

7 Defendant.

8 - - - - - x

9 Adv. Case No. 10-04750-cgm

10 - - - - - x

11 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

12 Plaintiff,

13 v.

14 Samdia Family L.P., a Delaware Limited Partnership

15 Defendant.

16 - - - - - x

17 Adv. Case No. 10-05286-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 Legacy Capital Ltd. et al

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 10-05345-cgm

2 - - - - - x

3 Irving H. Picard, Esq., Trustee for the Substantive

4 Plaintiff,

5 v.

6 Citibank, N.A. et al

7 Defendant.

8 - - - - - x

9 Adv. Case No. 10-05353-cgm

10 - - - - - x

11 Irving H. Picard, Esq., Trustee for the Substantive

12 Plaintiff,

13 v.

14 Natixis et al

15 Defendant.

16 - - - - - x

17 Adv. Case No. 10-04539-cgm

18 - - - - - x

19 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

20 Plaintiff,

21 v.

22 The Gerald and Barbara Keller Family Trust et al

23 Defendant.

24 - - - - - x

25

1 Adv. Case No. 20-01316-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 Plaintiff,

5 v.

6 Mayer et al

7 Defendant.

8 - - - - - x

9

10 United States Bankruptcy Court

11 355 Main Street

12 Poughkeepsie, NY 12601

13 September 15, 2021

14 10:25 AM

15

16

17

18

19

20

21 B E F O R E :

22 HON CECELIA MORRIS

23 U.S. BANKRUPTCY JUDGE

24

25 ECRO: UNKNOWN

1 HEARING re Case No. 95-88888-cgm Doc# 20531 Notice of
2 Adjournment of Hearing /Pre-Trial Conference (Adv. Pro. No.
3 10-04341 (CGM)) filed by Nicholas Cremona on behalf of
4 Irving H Picard Esq.. with hearing to be held on 9/15/2021
5 at 10:00 AM at Videoconference (ZoomGov) (CGM)

6
7 HEARING re 08-01789-cgm Doc# 20532 Notice of Adjournment of
8 Hearing /Pre-Trial Conference (Adv. Pro. No. 10-04343 (CGM))
9 filed by Nicholas Cremona on behalf of Irving H Picard Esq..
10 with hearing to be held on 9/15/2021 at 10:00 AM at
11 Videoconference (ZoomGov) (CGM)

12
13 HEARING re 08-01789-cgm Doc# 20533 Notice of Adjournment of
14 Hearing /Pre-Trial Conference (Adv. Pro. No. 10-04348 (CGM))
15 filed by Nicholas Cremona on behalf of Irving H Picard Esq..
16 with hearing to be held on 9/15/2021 (check with court for
17 location)

18
19 HEARING re 08-01789-cgm Doc# 20534 Notice of Adjournment of
20 Hearing /Pre-Trial Conference (Adv. Pro. No. 10-05118 (CGM))
21 filed by Nicholas Cremona on behalf of Irving H Picard Esq..
22 with hearing to be held on 9/15/2021 at 10:00 AM at
23 Videoconference (ZoomGov) (CGM)

24
25 HEARING re 08-01789-cgm Doc# 20535 Notice of Adjournment of

1 Hearing /Pre-Trial Conference (Adv. Pro. No. 10-05168 (CGM))
2 filed by Nicholas Cremona on behalf of Irving H Picard Esq..
3 with hearing to be held on 9/15/2021 at 10:00 AM at
4 Videoconference (ZoomGov) (CGM)
5
6 HEARING re 08-01789-cgm Doc# 20687 Notice of Adjournment of
7 Hearing of Hearing re: Hearing on Trustees Motion to Strike
8 Defendants Answer (Adv. Pro. No. 10-05124) filed by Nicholas
9 Cremona on behalf of Irving H Picard Esq.. with hearing to
10 be held on 9/15/2021 at 10:00 AM at Videoconference
11 (ZoomGov) (CGM)
12
13 HEARING re 10-04986-cgm Doc# 58 Notice of Hearing for
14 failure to submit order (related document(s)50) filed by
15 Clerk of Court, United States Bankruptcy Court, SDNY. with
16 hearing to be held on 9/15/2021 at 10:00 AM at
17 Videoconference (ZoomGov) (CGM)
18
19 HEARING re 10-04986-cgm Doc. #50 Motion to Approve
20 /Memorandum of Law in Support of Trustee's Motion for
21 Limited Additional Discovery Based on Prior Orders
22 Authorizing Deposition of Bernard L. Madoff filed by Melissa
23 Kosack on behalf of Irving H. Picard, Trustee for the
24 Liquidation of Bernard L. Madoff Investment Securities LLC
25 with hearing to be held on 10/31/2018 at 10:00 AM at

1 Courtroom 723 (SMB) Responses due by 10/17/2018,.
2 (Attachments: # 1 Exhibit A - Remaining Good Faith Actions #
3 2 Exhibit B - Cases Participating in Madoff's Deposition # 3
4 Exhibit C - Cases Not Participating in Madoff's Deposition #
5 4 Exhibit D - Cases with Open Fact Discovery # 5 Exhibit E -
6 Cases with Closed Fact Discovery with CMOs # 6 Exhibit F -
7 Cases with Served Expert Reports # 7 Exhibit G - Bongiorno
8 Rule 30 Order # 8 Exhibit H - Bonventre Rule 30 Order # 9
9 Exhibit I - Crupi Rule 30 Order # 10 Exhibit J - Main
10 Proposed Order # 11 Notice of Motion) (Kosack, Melissa)
11
12 HEARING re 10-05083-cgm Doc# 70 Notice of Hearing for
13 failure to submit order (related document(s)62) filed by
14 Clerk of Court, United States Bankruptcy Court, SDNY. with
15 hearing to be held on 9/15/2021 at 10:00 AM at
16 Videoconference (ZoomGov) (CGM) Doc. #62 Motion to Approve
17 /Memorandum of Law in Support of Trustee's Motion for
18 Limited Additional Discovery Based on Prior Orders
19 Authorizing Deposition of Bernard L. Madoff filed by Melissa
20 Kosack on behalf of Irving H. Picard, Trustee for
21 the Liquidation of Bernard L. Madoff Investment Securities
22 LLC, and Bernard L. Madoff with hearing to be held on
23 10/31/2018 at 10:00 AM at Courtroom 723 (SMB) Responses due
24 by 10/17/2018. (Attachments: # 1 Exhibit A - Remaining Good
25 Faith Cases # 2 Exhibit B - Cases Participating in Madoff's

1 Deposition # 3 Exhibit C - Cases Not Participating in
2 Madoff's Deposition # 4 Exhibit D - Cases with Open Fact
3 Discovery # 5 Exhibit E - Cases with Closed Fact Discovery
4 with CMOs # 6 Exhibit F - Cases with Served Expert Reports #
5 7 Exhibit G - Bongiorno Rule 30 Order # 8 Exhibit H -
6 Bonventre Rule 30 Order # 9 Exhibit I - Crupi Rule 30 Order
7 # 10 Exhibit J - Main Proposed Order # 11 Notice of Motion)
8 (Kosack, Melissa)
9 *****
10 HEARING re 10-05144-cgm Doc# 51 Notice of Hearing for
11 failure to submit order (related document(s)43) filed by
12 Clerk of Court, United States Bankruptcy Court, SDNY. with
13 hearing to be held on 9/15/2021 at 10:00 AM at
14 Videoconference (ZoomGov) (CGM) Doc. #43 Motion to Approve
15 /Memorandum of Law in Support of Trustee's Motion for
16 Limited Additional Discovery Based on Prior Orders
17 Authorizing Deposition of Bernard L. Madoff filed by David
18 J. Sheehan on behalf of Irving Picard with hearing to
be held
19 on 10/31/2018 at 10:00 AM at Courtroom 723 (SMB) Responses
20 due by
10/17/2018,. (Attachments: # 1 Exhibit A - Remaining
21 Good Faith Cases # 2 Exhibit B
- Cases Participating in
22 Madoff's Deposition # 3 Exhibit C - Cases Not Participating
23 in Madoff's Deposition # 4 Exhibit D - Cases with Open Fact
24 Discovery # 5 Exhibit E - Cases with Closed Fact Discovery
25 with CMOs # 6 Exhibit F - Cases with Served Expert Reports #

1 7 Exhibit G - Bongiorno Rule 30 Order # 8 Exhibit H -
2 Bonventre Rule 30 Order # 9 Exhibit I - Crupi Rule 30 Order
3 # 10 Exhibit J - Main Proposed Order # 11 Notice of Motion)
4 (Sheehan, David)

5
6 HEARING re 10-05348-cgm Doc# 118 Notice of Hearing on Status
7 Conference (related document(s)115) filed by Clerk of Court,
8 United States Bankruptcy Court, SDNY. with hearing to be
9 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
10 (CGM) Doc. #115 Copy of Mandate from Circuit Court issued on
11 6/1/2020 Re: Appeal on Appellate Case Number: 17-3129. The
12 Court of Appeals VACATES the bankruptcy courts judgments
13 dismissing these actions and REMAND for further proceedings
14 consistent with this opinion. (related document(s)109, 113)
15 (Rouzeau, Anatin)

16
17 HEARING re 10-05351-cgm Doc# 138 Notice of Hearing on Status
18 Conference (related document(s)135) filed by Clerk of Court,
19 United States Bankruptcy Court, SDNY. with hearing to be
20 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
21 (CGM) Doc. #135 Copy of Mandate from Circuit Court issued on
22 6/1/2020 Re: Appeal on Appellate Case Number: 17-3122. The
23 Court of Appeals VACATES the bankruptcy courts judgments
24 dismissing these actions and REMAND for further proceedings
25 consistent with this opinion. (related document(s)133, 129)

1 (Rouzeau, Anatin)

2

3 HEARING re 11-02493-cgm Doc# 104 Notice of Hearing on Status
4 Conference (related document(s)101) filed by Clerk of Court,
5 United States Bankruptcy Court, SDNY. with hearing to be
6 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
7 (CGM) Doc. #101 Copy of Mandate from Circuit Court issued on
8 6/1/2020 Re: Appeal on Appellate Case Number: 17-3059. The
9 Court of Appeals VACATES the bankruptcy courts judgments
10 dismissing these actions and REMAND for further proceedings
11 consistent with this opinion. (related document(s)95, 99)

12 (Rouzeau, Anatin)

13

14 HEARING re 11-02538 Doc# 102 Notice of Hearing on Status
15 Conference (related document(s)99) filed by Error: party not
16 known. with hearing to be held on 9/15/2021 at 10:00 AM at
17 Videoconference (ZoomGov) (CGM) Doc. #99 Copy of Mandate
18 from Circuit Court issued on 6/1/2020 Re: Appeal on
19 Appellate Case Number: 17-3032. The Court of Appeals VACATES
20 the bankruptcy courts judgments dismissing these actions and
21 REMAND for further proceedings consistent with this opinion.
22 (related document(s)96, 92) (Rouzeau, Anatin)

23

24 HEARING re 11-02539-cgm Doc# 116 Notice of Hearing on Status
25 Conference (related document(s)112) filed by Clerk of Court,

1 United States Bankruptcy Court, SDNY. with hearing to be
2 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
3 (CGM) Doc. #112 Copy of Mandate from Circuit Court issued on
4 6/1/2020 Re: Appeal on Appellate Case Number: 17-3071. The
5 Court of Appeals VACATES the bankruptcy courts judgments
6 dismissing these actions and REMAND for further proceedings
7 consistent with this opinion. (related document(s)108, 104)
8 (Rouzeau, Anatin)

9
10 HEARING re 11-02540-cgm Doc# 104 Notice of Hearing on Status
11 Conference (related document(s)101) filed by Clerk of Court,
12 United States Bankruptcy Court, SDNY. with hearing to be
13 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
14 (CGM) Doc. #101 Copy of Mandate from Circuit Court issued on
15 6/1/2020 Re: Appeal on Appellate Case Number: 17-3106. The
16 Court of Appeals VACATES the bankruptcy courts judgments
17 dismissing these actions and REMAND for further proceedings
18 consistent with this opinion. (related document(s)95, 99)
19 (Rouzeau, Anatin)

20
21 HEARING re 11-02541-cgm Doc# 82 Notice of Hearing on Status
22 Conference (related document(s)79) filed by Clerk of Court,
23 United States Bankruptcy Court, SDNY. with hearing to be
24 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
25 (CGM) Doc. #79 Copy of Mandate from Circuit Court issued on

1 6/1/2020 Re: Appeal on Appellate Case Number: 17-3004. The
2 Court of Appeals VACATES the bankruptcy courts judgments
3 dismissing these actions and REMAND for further proceedings
4 consistent with this opinion. (related document(s)76, 72)
5 (Rouzeau, Anatin)

6
7 HEARING re 11-02542-cgm Doc# 88 Notice of Hearing on Status
8 Conference (related document(s)84) filed by Clerk of Court,
9 United States Bankruptcy Court, SDNY. with hearing to be
10 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
11 (CGM) Doc. #84 Copy of Mandate from Circuit Court issued on
12 6/1/2020 Re: Appeal on Appellate Case Number: 17-3005. The
13 Court of Appeals VACATES the bankruptcy courts judgments
14 dismissing these actions and REMAND for further proceedings
15 consistent with this opinion. (related document(s)80, 76)
16 (Rouzeau, Anatin)

17
18 HEARING re 11-02551-cgm Doc# 94 Notice of Hearing on Status
19 Conference (related document(s)78) filed by Clerk of Court,
20 United States Bankruptcy Court, SDNY. with hearing to be
21 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
22 (CGM) Doc. #78 (Entered in Error. Wrong Adversary Case.)
23 Statement /

24 Notice of Appeal (11-02551) filed by Thomas L.
25 Long on behalf of Irving H. Picard, Trustee for the
Liquidation of Bernard L. Madoff Investment Securities LLC,

1 and Bernard L. Madoff. (Attachments: # 1 Exhibit 1 # 2
2 Exhibit 2 # 3 Exhibit 3 # 4 Exhibit 4) (Long, Thomas)
3 Modified on 3/22/2017 (Rouzeau, Anatin).
4

5 HEARING re 11-02553-cgm Doc# 108 Notice of Hearing on Status
6 Conference (related document(s)105) filed by Clerk of Court,
7 United States Bankruptcy Court, SDNY. with hearing to be
8 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
9 (CGM) Doc. #105 Copy of Mandate from Circuit Court issued on
10 6/1/2020 Re: Appeal on Appellate Case Number: 17-3134. The
11 Court of Appeals VACATES the bankruptcy courts judgments
12 dismissing these actions and REMAND for further proceedings
13 consistent with this opinion. (related document(s)103, 99)
14 (Rouzeau, Anatin)
15

16 HEARING re 11-02554-cgm Doc# 102 Notice of Hearing on Status
17 Conference (related document(s)99) filed by Clerk of Court,
18 United States Bankruptcy Court, SDNY. with hearing to be
19 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
20 (CGM) Doc. #99 Copy of Mandate from Circuit Court issued on
21 6/1/2020 Re: Appeal on Appellate Case Number: 17-3008. The
22 Court of Appeals VACATES the bankruptcy courts judgments
23 dismissing these actions and REMAND for further proceedings
24 consistent with this opinion. (related document(s)97, 93)
25 (Rouzeau, Anatin)

1
2 HEARING re 11-02568-cgm Doc# 109 Notice of Hearing on Status
3 Conference (related document(s)106) filed by Clerk of Court,
4 United States Bankruptcy Court, SDNY. with hearing to be
5 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
6 (CGM) Doc. #106 Copy of Mandate from Circuit Court issued on
7 6/1/2020 Re: Appeal on Appellate Case Number: 17-3134. The
8 Court of Appeals VACATES the bankruptcy courts judgments
9 dismissing these actions and REMAND for further proceedings
10 consistent with this opinion. (related document(s)104, 100)
11 (Rouzeau, Anatin)

12
13 HEARING re 11-02569-cgm Doc# 116 Notice of Hearing on Status
14 Conference (related document(s)113) filed by Clerk of Court,
15 United States Bankruptcy Court, SDNY. with hearing to be
16 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
17 (CGM) Doc. #113 Copy of Mandate from Circuit Court issued on
18 6/1/2020 Re: Appeal on Appellate Case Number: 17-3011. The
19 Court of Appeals VACATES the bankruptcy courts judgments
20 dismissing these actions and REMAND for further proceedings
21 consistent with this opinion. (related document(s)105, 109)
22 (Rouzeau, Anatin)

23
24 HEARING re 11-02570-cgm Doc# 104 Notice of Hearing on Status
25 Conference (related document(s)101) filed by Clerk of Court,

1 United States Bankruptcy Court, SDNY. with hearing to be
2 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
3 (CGM) Doc. #101 Copy of Mandate from Circuit Court issued on
4 6/1/2020 Re: Appeal on Appellate Case Number: 17-3101. The
5 Court of Appeals VACATES the bankruptcy courts judgments
6 dismissing these actions and REMAND for further proceedings
7 consistent with this opinion. (related document(s)94, 99)
8 (Rouzeau, Anatin)

9
10 HEARING re 11-02572-cgm Doc# 126 Notice of Hearing on Status
11 Conference (related document(s)123) filed by Clerk of Court,
12 United States Bankruptcy Court, SDNY. with hearing to be
13 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
14 (CGM) Doc. #123 Copy of Mandate from Circuit Court issued on
15 6/1/2020 Re: Appeal on Appellate Case Number: 17-3043. The
16 Court of Appeals VACATES the bankruptcy courts judgments
17 dismissing these actions and REMAND for further proceedings
18 consistent with this opinion. (related document(s)117, 121)
19 (Rouzeau, Anatin)

20
21 HEARING re 11-02573-cgm Doc# 108 Amended Notice of Hearing
22 on Status Conference (related document(s)104) filed by Clerk
23 of Court, United States Bankruptcy Court, SDNY. with hearing
24 to be held on 9/15/2021 at 10:00 AM at Videoconference
25 (ZoomGov) (CGM) Doc. #104 Copy of Mandate from Circuit Court

1 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-
2 3038. The Court of Appeals VACATES the bankruptcy
3 courts judgments dismissing these actions and REMAND for
4 further proceedings consistent with this opinion. (related
5 document(s)102, 98) (Rouzeau, Anatin)

6
7 HEARING re 11-02730-cgm Doc# 96 Notice of Hearing on Status
8 Conference (related document(s)93) filed by Clerk of Court,
9 United States Bankruptcy Court, SDNY. with hearing to be
10 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
11 (CGM) Doc. #93 Copy of Mandate from Circuit Court issued on
12 6/1/2020 Re: Appeal on Appellate Case Number: 17-3034. The
13 Court of Appeals VACATES the bankruptcy courts judgments
14 dismissing these actions and REMAND for further proceedings
15 consistent with this opinion. (related document(s)86, 90)
16 (Rouzeau, Anatin)

17
18 HEARING re 11-02731-cgm Doc# 100 Notice of Hearing on Status
19 Conference (related document(s)97) filed by Clerk of Court,
20 United States Bankruptcy Court, SDNY. with hearing to be
21 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
22 (CGM) Doc. #97 Copy of Mandate from Circuit Court issued on
23 6/1/2020 Re: Appeal on Appellate Case Number: 17-3021. The
24 Court of Appeals VACATES the bankruptcy courts judgments
25 dismissing these actions and REMAND for further proceedings

1 consistent with this opinion. (related document(s)91, 95)
2 (Rouzeau, Anatin) Modified on 10/21/2020 (Rouzeau, Anatin).
3
4 HEARING re 11-02732-cgm Doc# 100 Notice of Hearing on Status
5 Conference (related document(s)97) filed by Clerk of Court,
6 United States Bankruptcy Court, SDNY. with hearing to be
7 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
8 (CGM) Doc. #97 Copy of Mandate from Circuit Court issued on
9 6/1/2020 Re: Appeal on Appellate Case Number: 17-3021. The
10 Court of Appeals VACATES the bankruptcy courts judgments
11 dismissing these actions and REMAND for further proceedings
12 consistent with this opinion. (related document(s)91, 95)
13 (Rouzeau, Anatin) Modified on 10/21/2020 (Rouzeau, Anatin).
14
15 HEARING re 11-02733-cgm Doc# 93 Notice of Hearing on Status
16 Conference (related document(s)89) filed by Clerk of Court,
17 United States Bankruptcy Court, SDNY. with hearing to be
18 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
19 (CGM) Doc. #89 Copy of Mandate from Circuit Court issued on
20 6/1/2020 Re: Appeal on Appellate Case Number: 17-3087. The
21 Court of Appeals VACATES the bankruptcy courts judgments
22 dismissing these actions and REMAND for further proceedings
23 consistent with this opinion. (related document(s)81, 87)
24 (Rouzeau, Anatin)
25

1 HEARING re 11-02733-cgm Doc# 93 Notice of Hearing on Status
2 Conference (related document(s)89) filed by Clerk of Court,
3 United States Bankruptcy Court, SDNY. with hearing to be
4 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
5 (CGM) Doc. #89 Copy of Mandate from Circuit Court issued on
6 6/1/2020 Re: Appeal on Appellate Case Number: 17-3087. The
7 Court of Appeals VACATES the bankruptcy courts judgments
8 dismissing these actions and REMAND for further proceedings
9 consistent with this opinion. (related document(s)81, 87)
10 (Rouzeau, Anatin)

11
12 HEARING re 11-02758-cgm Doc# 127 Notice of Hearing on Status
13 Conference (related document(s)124) filed by Clerk of Court,
14 United States Bankruptcy Court, SDNY. with hearing to be
15 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
16 (CGM) Doc. #124 Copy of Mandate from Circuit Court issued on
17 6/1/2020 Re: Appeal on Appellate Case Number: 17-3025. The
18 Court of Appeals VACATES the bankruptcy courts judgments
19 dismissing these actions and REMAND for further proceedings
20 consistent with this opinion. (related document(s)117, 112)
21 (Rouzeau, Anatin)

22
23 HEARING re 11-02758-cgm Doc# 88 Notice of Hearing on Status
24 Conference (related document(s)85) filed by Clerk of Court,
25 United States Bankruptcy Court, SDNY. with hearing to be

1 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
2 (CGM) Doc. #85 Copy of Mandate from Circuit Court issued on
3 6/1/2020 Re: Appeal on Appellate Case Number: 17-3044. The
4 Court of Appeals VACATES the bankruptcy courts judgments
5 dismissing these actions and REMAND for further proceedings
6 consistent with this opinion. (related document(s)83, 77)
7 (Rouzeau, Anatin)

8
9 HEARING re 11-02760-cgm Doc# 107 Notice of Hearing on Status
10 Conference (related document(s)104) filed by Clerk of Court,
11 United States Bankruptcy Court, SDNY. with hearing to be
12 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
13 (CGM) Doc. #104 Copy of Mandate from Circuit Court issued on
14 6/1/2020 Re: Appeal on Appellate Case Number: 17-3862. The
15 Court of Appeals VACATES the bankruptcy courts judgments
16 dismissing these actions and REMAND for further proceedings
17 consistent with this opinion. (related document(s)75, 77)
18 (Rouzeau, Anatin)

19
20 HEARING re 11-02761-cgm Doc# 98 Notice of Hearing on Status
21 Conference (related document(s)93) filed by Clerk of Court,
22 United States Bankruptcy Court, SDNY. with hearing to be
23 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
24 (CGM) Doc. #93 Copy of Mandate from Circuit Court issued on
25 6/1/2020 Re: Appeal on Appellate Case Number: 17-3140. The

1 Court of Appeals VACATES the bankruptcy courts judgments
2 dismissing these actions and REMAND for further proceedings
3 consistent with this opinion. (related document(s)87, 81)
4 (Rouzeau, Anatin)
5
6 HEARING re 11-02762-cgm Doc# 95 Notice of Hearing RE: Status
7 Conference on the Copy of Mandate from Circuit Court issued
8 on 6/1/2020 Re: Appeal on Appellate Case Number: 17-3132.
9 The Court of Appeals VACATES the bankruptcy courts judgments
10 dismissing these actions and REMAND for further proceedings
11 consistent with this opinion. (related document(s)92) filed
12 by Clerk of Court, United States Bankruptcy Court, SDNY.
13 With hearing to be held on 9/15/2021 at 10:00 AM at
14 Videoconference (ZoomGov) (CGM) Doc. #92 Copy of Mandate
15 from Circuit Court issued on 6/1/2020 Re: Appeal on
16 Appellate Case Number: 17-3132. The Court of Appeals VACATES
17 the bankruptcy courts judgments dismissing these actions and
18 REMAND for further proceedings consistent with this opinion.
19 (related document(s)90, 85) (Rouzeau, Anatin)
20
21 HEARING re 11-02763-cgm Doc# 104 Notice of Hearing on Status
22 Conference (related document(s)101) filed by Clerk of Court,
23 United States Bankruptcy Court, SDNY. with hearing to be
24 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
25 (CGM) Doc. #101 Copy of Mandate from Circuit Court issued on

1 6/1/2020 Re: Appeal on Appellate Case Number: 17-3136. The
2 Court of Appeals VACATES the bankruptcy courts judgments
3 dismissing these actions and REMAND for further proceedings
4 consistent with this opinion. (related document(s)95, 99)
5 (Rouzeau, Anatin)

6
7 HEARING re 11-02784-cgm Doc# 117 Notice of Hearing on Status
8 Conference (related document(s)114) filed by Clerk of Court,
9 United States Bankruptcy Court, SDNY. with hearing to be
10 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
11 (CGM) Doc. #114 Copy of Mandate from Circuit Court issued on
12 6/1/2020 Re: Appeal on Appellate Case Number: 17-3102. The
13 Court of Appeals VACATES the bankruptcy courts judgments
14 dismissing these actions and REMAND for further proceedings
15 consistent with this opinion. (related document(s)105, 111)
16 (Rouzeau, Anatin)

17
18 HEARING re 11-02796-cgm Doc# 93 Notice of Hearing on Status
19 Conference (related document(s)90) filed by Clerk of Court,
20 United States Bankruptcy Court, SDNY. with hearing to be
21 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
22 (CGM) Doc. #90 Copy of Mandate from Circuit Court issued on
23 6/1/2020 Re: Appeal on Appellate Case Number: 17-3069. The
24 Court of Appeals VACATES the bankruptcy courts judgments
25 dismissing these actions and REMAND for further proceedings

1 consistent with this opinion. (related document(s)81, 87)
2 (Rouzeau, Anatin)

3
4 HEARING re 11-02901-cgm Doc# 105 Notice of Hearing on Status
5 Conference (related document(s)101) filed by Clerk of Court,
6 United States Bankruptcy Court, SDNY. with hearing to be
7 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
8 (CGM) Doc. #101 Copy of Mandate from Circuit Court issued on
9 6/1/2020 Re: Appeal on Appellate Case Number: 17-3040. The
10 Court of Appeals VACATES the bankruptcy courts judgments
11 dismissing these actions and REMAND for further proceedings
12 consistent with this opinion. (related document(s)98, 94)
13 (Rouzeau, Anatin)

14
15 HEARING re 11-02922-cgm Doc# 107 Notice of Hearing on Status
16 Conference (related document(s)102) filed by Clerk of Court,
17 United States Bankruptcy Court, SDNY. with hearing to be
18 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
19 (CGM) Doc. #102 Copy of Mandate from Circuit Court issued on
20 6/1/2020 Re: Appeal on Appellate Case Number: 17-3019. The
21 Court of Appeals VACATES the bankruptcy courts judgments
22 dismissing these actions and REMAND for further proceedings
23 consistent with this opinion. (related document(s)97, 93)
24 (Rouzeau, Anatin)

25

1 HEARING re 11-02923-cgm Doc# 115 Notice of Hearing on Status
2 Conference (related document(s)112) filed by Clerk of Court,
3 United States Bankruptcy Court, SDNY. with hearing to be
4 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
5 (CGM) Doc. #112 Copy of Mandate from Circuit Court issued on
6 6/1/2020 Re: Appeal on Appellate Case Number: 17-3067. The
7 Court of Appeals VACATES the bankruptcy courts judgments
8 dismissing these actions and REMAND for further proceedings
9 consistent with this opinion. (related document(s)108, 103)
10 (Rouzeau, Anatin)

11
12 HEARING re 11-02925-cgm Doc# 99 Notice of Hearing on Status
13 Conference (related document(s)96) filed by Clerk of Court,
14 United States Bankruptcy Court, SDNY. with hearing to be
15 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
16 (CGM) Doc. #96 Copy of Mandate from Circuit Court issued on
17 6/1/2020 Re: Appeal on Appellate Case Number: 17-3080. The
18 Court of Appeals VACATES the bankruptcy courts judgments
19 dismissing these actions and REMAND for further proceedings
20 consistent with this opinion. (related document(s)88, 92)
21 (Rouzeau, Anatin)

22
23 HEARING re 11-02929-cgm Doc# 90 Notice of Hearing on Status
24 Conference (related document(s)87) filed by Clerk of Court,
25 United States Bankruptcy Court, SDNY. with hearing to be

1 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
2 (CGM) Doc. #87 Copy of Mandate from Circuit Court issued on
3 6/1/2020 Re: Appeal on Appellate Case Number: 17-3126. The
4 Court of Appeals VACATES the bankruptcy courts judgments
5 dismissing these actions and REMAND for further proceedings
6 consistent with this opinion. (related document(s)82, 78)
7 (Rouzeau, Anatin)

8
9 HEARING re 12-01002-cgm Doc# 107 Notice of Hearing RE:
10 Status Conference on the Copy of Mandate from Circuit Court
11 issued on 6/1/2020 (related document(s)104) filed by Clerk
12 of Court, United States Bankruptcy Court, SDNY. with hearing
13 to be held on 9/15/2021 at 10:00 AM at Videoconference
14 (ZoomGov) (CGM) Doc. #104 Copy of Mandate from Circuit Court
15 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-
16 3109. The Court of Appeals VACATES the bankruptcy
17 courts judgments dismissing these actions and REMAND for
18 further proceedings consistent with this opinion. (related
19 document(s)102, 98) (Rouzeau, Anatin)

20
21 HEARING re 12-01004-cgm Doc# 100 Notice of Hearing RE:
22 Status Conference on the Copy of Mandate from Circuit Court
23 issued on 6/1/2020 (related document(s)97) filed by Clerk of
24 Court, United States Bankruptcy Court, SDNY. with hearing to
25 be held on 9/15/2021 at 10:00 AM at Videoconference

1 (ZoomGov) (CGM) Doc. #97 Copy of Mandate from Circuit Court
2 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-
3 3084. The Court of Appeals VACATES the bankruptcy
4 courts judgments dismissing these actions and REMAND for
5 further proceedings consistent with this opinion. (related
6 document(s)95, 91) (Rouzeau, Anatin)

7
8 HEARING re 12-01005-cgm Doc# 91 Notice of Hearing RE: Status
9 Conference on the Copy of Mandate from Circuit Court issued
10 on 6/1/2020 (related document(s)88) filed by Clerk of Court,
11 United States Bankruptcy Court, SDNY. with hearing to be
12 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
13 (CGM) Doc. #88 Copy of Mandate from Circuit Court issued on
14 6/1/2020 Re: Appeal on Appellate Case Number: 17-3064. The
15 Court of Appeals VACATES the bankruptcy courts judgments
16 dismissing these actions and REMAND for further proceedings
17 consistent with this opinion. (related document(s)85, 80)
18 (Rouzeau, Anatin)

19
20 HEARING re 12-01019-cgm Doc# 111 Notice of Hearing RE:
21 Status Conference on the Copy of Mandate from Circuit Court
22 issued on 6/1/2020 (related document(s)108) filed by Clerk
23 of Court, United States Bankruptcy Court, SDNY. with hearing
24 to be held on 9/15/2021 at 10:00 AM at Videoconference
25 (ZoomGov) (CGM) Doc. #108 Copy of Mandate from Circuit Court

1 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-
2 3054. The Court of Appeals VACATES the bankruptcy
3 courts judgments dismissing these actions and REMAND for
4 further proceedings consistent with this opinion. (related
5 document(s)106, 102) (Rouzeau, Anatin)

6
7 HEARING re 12-01021-cgm Doc# 99 Notice of Hearing RE: Status
8 Conference on the Copy of Mandate from Circuit Court issued
9 on 6/1/2020 (related document(s)96) filed by Clerk of Court,
10 United States Bankruptcy Court, SDNY. with hearing to be
11 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
12 (CGM) Doc. #96 Copy of Mandate from Circuit Court issued on
13 6/1/2020 Re: Appeal on Appellate Case Number: 17-2999. The
14 Court of Appeals VACATES the bankruptcy courts judgments
15 dismissing these actions and REMAND for further proceedings
16 consistent with this opinion. (related document(s)94, 90)
17 (Rouzeau, Anatin)

18
19 HEARING re 12-01022-cgm Doc# 105 Notice of Hearing RE:
20 Status Conference on the Copy of Mandate from Circuit Court
21 issued on 6/1/2020 (related document(s)102) filed by Clerk
22 of Court, United States Bankruptcy Court, SDNY. with hearing
23 to be held on 9/15/2021 at 10:00 AM at Videoconference
24 (ZoomGov) (CGM) Doc. #102 Copy of Mandate from Circuit Court
25 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-

1 3026. The Court of Appeals VACATES the bankruptcy
2 courts judgments dismissing these actions and REMAND for
3 further proceedings consistent with this opinion. (related
4 document(s)99, 95) (Rouzeau, Anatin)

5
6 HEARING re 12-01023-cgm Doc# 113 Notice of Hearing RE:
7 Status Conference on the Copy of Mandate from Circuit Court
8 issued on 6/1/2020 (related document(s)110) filed by Clerk
9 of Court, United States Bankruptcy Court, SDNY. with hearing
10 to be held on 9/15/2021 at 10:00 AM at Videoconference
11 (ZoomGov) (CGM) Doc. #110 Copy of Mandate from Circuit Court
12 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-

13 3012. The Court of Appeals VACATES the bankruptcy
14 courts judgments dismissing these actions and REMAND for
15 further proceedings consistent with this opinion. (related
16 document(s)101, 106) (Rouzeau, Anatin)

17
18 HEARING re 12-01046-cgm Doc# 107 Notice of Hearing RE:
19 Status Conference on the Copy of Mandate from Circuit Court
20 issued on 6/1/2020 (related document(s)104) filed by Clerk
21 of Court, United States Bankruptcy Court, SDNY. with hearing
22 to be held on 9/15/2021 at 10:00 AM at Videoconference
23 (ZoomGov) (CGM) Doc. #104 Copy of Mandate from Circuit Court
24 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-

25 3014. The Court of Appeals VACATES the bankruptcy courts

1 judgments dismissing these actions and REMAND for further
2 proceedings consistent with this opinion. (related
3 document(s)97, 101) (Rouzeau, Anatin)

4
5 HEARING re 12-01047-cgm Doc# 100 Notice of Hearing RE:
6 Status Conference on the Copy of Mandate from Circuit Court
7 issued on 6/1/2020 (related document(s)96) filed by Clerk of
8 Court, United States Bankruptcy Court, SDNY. with hearing to
9 be held on 9/15/2021 at 10:00 AM at Videoconference
10 (ZoomGov) (CGM) Doc. #96 Copy of Mandate from Circuit Court
11 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-
12 3016. The Court of Appeals VACATES the bankruptcy
13 courts judgments dismissing these actions and REMAND for
14 further proceedings consistent with this opinion. (related
15 document(s)90, 94) (Rouzeau, Anatin)

16
17 HEARING re 12-01048-cgm Doc# 69 Notice of Hearing RE: Status
18 Conference on the Copy of Mandate from Circuit Court issued
19 on 6/1/2020 (related document(s)65) filed by Clerk of Court,
20 United States Bankruptcy Court, SDNY. with hearing to be
21 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
22 (CGM) Doc. #65 Copy of Mandate from Circuit Court issued on
23 6/1/2020 Re: Appeal on Appellate Case Number: 17-3144. The
24 Court of Appeals VACATES the bankruptcy courts judgments
25 dismissing these actions and REMAND for further proceedings

1 consistent with this opinion.(related document(s)61, 60)
2 (Rouzeau, Anatin)
3
4 HEARING re 12-011940cgm Doc# 69 Notice of Hearing RE: Status
5 Conference on the Copy of Mandate from Circuit Court issued
6 on 6/1/2020 (related document(s)65) filed by Clerk of Court,
7 United States Bankruptcy Court, SDNY. with hearing to be
8 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
9 (CGM) Doc. #65 Copy of Mandate from Circuit Court issued on
10 6/1/2020 Re: Appeal on Appellate Case Number: 17-3144. The
11 Court of Appeals VACATES the bankruptcy courts judgments
12 dismissing these actions and REMAND for further proceedings
13 consistent with this opinion.(related document(s)61, 60)
14 (Rouzeau, Anatin)
15
16 HEARING re 12-01195-cgm Doc# 112 Notice of Hearing RE:
17 Status Conference on the Copy of Mandate from Circuit Court
18 issued on 6/1/2020 (related document(s)109) filed by Clerk
19 of Court, United States Bankruptcy Court, SDNY. with hearing
20 to be held on 9/15/2021 at 10:00 AM at Videoconference
21 (ZoomGov) (CGM) Doc. #109 Copy of Mandate from Circuit Court
22 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-
23 3020. The Court of Appeals VACATES the bankruptcy
24 courts judgments dismissing these actions and REMAND for
25 further proceedings consistent with this opinion. (related

1 document(s)101, 105) (Rouzeau, Anatin)

2

3 HEARING re 12-01202-cgm Doc# 107 Notice of Hearing RE:

4 Status Conference on the Copy of Mandate from Circuit Court

5 issued on 6/1/2020 (related document(s)104) filed by Clerk

6 of Court, United States Bankruptcy Court, SDNY. with hearing

7 to be held on 9/15/2021 at 10:00 AM at Videoconference

8 (ZoomGov) (CGM) Doc. #104 Copy of Mandate from Circuit Court

9 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-

10 3068. The Court of Appeals VACATES the bankruptcy

11 courts judgments dismissing these actions and REMAND for

12 further proceedings consistent with this opinion. (related

13 document(s)102, 97) (Rouzeau, Anatin)

14

15 HEARING re 12-01205-cgm Doc# 86 Notice of Hearing RE: Status

16 Conference on the Copy of Mandate from Circuit Court issued

17 on 6/1/2020 (related document(s)82) filed by Clerk of Court,

18 United States Bankruptcy Court, SDNY. with hearing to be

19 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)

20 (CGM) Doc. #82 Copy of Mandate from Circuit Court issued on

21 6/1/2020 Re: Appeal on Appellate Case Number: 17-3074. The

22 Court of Appeals VACATES the bankruptcy courts judgments

23 dismissing these actions and REMAND for further proceedings

24 consistent with this opinion. (related document(s)76, 80)

25 (Rouzeau, Anatin)

1
2 HEARING re 12-01207-cgm Doc# 82 Notice of Hearing RE: Status
3 Conference on the Copy of Mandate from Circuit Court issued
4 on 6/1/2020 (related document(s)79) filed by Clerk of Court,
5 United States Bankruptcy Court, SDNY. with hearing to be
6 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
7 (CGM) Doc. #79 Copy of Mandate from Circuit Court issued on
8 6/1/2020 Re: Appeal on Appellate Case Number: 17-3033. The
9 Court of Appeals VACATES the bankruptcy courts judgments
10 dismissing these actions and REMAND for further proceedings
11 consistent with this opinion.(related document(s)73, 77)
12 (Rouzeau, Anatin)

13
14 HEARING re 12-01209-cgm Doc# 112 Notice of Hearing RE:
15 Status Conference on the Copy of Mandate from Circuit Court
16 issued on 6/1/2020 (related document(s)105) filed by Clerk
17 of Court, United States Bankruptcy Court, SDNY. with hearing
18 to be held on 9/15/2021 at 10:00 AM at Videoconference
19 (ZoomGov) (CGM) Doc. #105 Copy of Mandate from Circuit Court
20 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-
21 3003. The Court of Appeals VACATES the bankruptcy
22 courts judgments dismissing these actions and REMAND for
23 further proceedings consistent with this opinion. (related
24 document(s)98, 102) (Rouzeau, Anatin)

25

1 HEARING re 12-01210-cgm Doc# 87 Notice of Hearing RE: Status
2 Conference on the Copy of Mandate from Circuit Court issued
3 on 6/1/2020 (related document(s)84) filed by Clerk of Court,
4 United States Bankruptcy Court, SDNY. with hearing to be
5 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
6 (CGM) Doc. #84 Copy of Mandate from Circuit Court issued on
7 6/1/2020 Re: Appeal on Appellate Case Number: 17-3023. The
8 Court of Appeals VACATES the bankruptcy courts judgments
9 dismissing these actions and REMAND for further proceedings
10 consistent with this opinion. (related document(s)81, 77)
11 (Rouzeau, Anatin)

12
13 HEARING re 12-01211-cgm Doc# 95 Notice of Hearing RE: Status
14 Conference on the Copy of Mandate from Circuit Court issued
15 on 6/1/2020 (related document(s)92) filed by Clerk of Court,
16 United States Bankruptcy Court, SDNY. with hearing to be
17 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
18 (CGM) Doc. #92 Copy of Mandate from Circuit Court issued on
19 6/1/2020 Re: Appeal on Appellate Case Number: 17-2995. The
20 Court of Appeals VACATES the bankruptcy courts judgments
21 dismissing these actions and REMAND for further proceedings
22 consistent with this opinion.(related document(s)88, 84)
23 (Rouzeau, Anatin)

24
25 HEARING re 12-01216-cgm Doc# 111 Notice of Hearing RE:

1 Status Conference on the Copy of Mandate from Circuit Court
2 issued on 6/1/2020 (related document(s)108) filed by Clerk
3 of Court, United States Bankruptcy Court, SDNY. with hearing
4 to be held on 9/15/2021 at 10:00 AM at Videoconference
5 (ZoomGov) (CGM) Doc. #108 Copy of Mandate from Circuit Court
6 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-
7 3072. The Court of Appeals VACATES the bankruptcy
8 courts judgments dismissing these actions and REMAND for
9 further proceedings consistent with this opinion.(related
10 document(s)102, 106) (Rouzeau, Anatin)

11
12 HEARING re 12-01512-cgm Doc# 97 Notice of Hearing RE: Status
13 Conference on the Copy of Mandate from Circuit Court issued
14 on 6/1/2020 (related document(s)91) filed by Clerk of Court,
15 United States Bankruptcy Court, SDNY. with hearing to be
16 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
17 (CGM) Doc. #91 Copy of Mandate from Circuit Court issued on
18 6/1/2020 Re: Appeal on Appellate Case Number: 17-3075. The
19 Court of Appeals VACATES the bankruptcy courts judgments
20 dismissing these actions and REMAND for further proceedings
21 consistent with this opinion. (related document(s)88, 84)
22 (Rouzeau, Anatin)

23
24 HEARING re 12-015665-cgm Doc# 142 Notice of Hearing on
25 Status Conference filed by Clerk of Court, United

1 States Bankruptcy Court, SDNY. with hearing to be held on
2 9/15/2021 at 10:00 AM at Videoconference (ZoomGov) (CGM)
3
4 HEARING re 12-01566-cgm Doc# 77 Notice of Hearing RE: Status
5 Conference on the Copy of Mandate from Circuit Court issued
6 on 6/1/2020 (related document(s)74) filed by Clerk of Court,
7 United States Bankruptcy Court, SDNY. with hearing to be
8 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
9 (CGM) Doc. #74 Copy of Mandate from Circuit Court issued on
10 6/1/2020 Re: Appeal on Appellate Case Number: 17-3073. The
11 Court of Appeals VACATES the bankruptcy courts judgments
12 dismissing these actions and REMAND for further proceedings
13 consistent with this opinion.(related document(s)70, 66)
14 (Rouzeau, Anatin)
15
16 HEARING re 12-01577-cgm Doc# 94 Notice of Hearing RE: Status
17 Conference on the Copy of Mandate from Circuit Court issued
18 on 6/1/2020 (related document(s)91) filed by Clerk of Court,
19 United States Bankruptcy Court, SDNY. with hearing to be
20 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
21 (CGM) Doc. #91 Copy of Mandate from Circuit Court issued on
22 6/1/2020 Re: Appeal on Appellate Case Number: 17-3100. The
23 Court of Appeals VACATES the bankruptcy courts judgments
24 dismissing these actions and REMAND for further proceedings
25 consistent with this opinion. (related document(s)82, 87)

1 (Rouzeau, Anatin)

2
3 HEARING re 12-016690-cgm Doc# 82 Notice of Hearing RE:
4 Status Conference on the Copy of Mandate from Circuit Court
5 issued on 6/1/2020 (related document(s)79) filed by Clerk of
6 Court, United States Bankruptcy Court, SDNY. with hearing to
7 be held on 9/15/2021 at 10:00 AM at Videoconference
8 (ZoomGov) (CGM) Doc. #79 Copy of Mandate from Circuit Court
9 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-
10 3041. The Court of Appeals VACATES the bankruptcy
11 courts judgments dismissing these actions and REMAND for
12 further proceedings consistent with this opinion. (related
13 document(s)73, 77) (Rouzeau, Anatin)

14
15 HEARING re 12-01669-cgm Doc# 52 Notice of Hearing RE: Status
16 Conference on the Copy of Mandate from Circuit Court issued
17 on 6/1/2020 (related document(s)49) filed by Clerk of Court,
18 United States Bankruptcy Court, SDNY. with hearing to be
19 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
20 (CGM) Doc. #49 Copy of Mandate from Circuit Court issued on
21 6/1/2020 Re: Appeal on Appellate Case Number: 17-3042. The
22 Court of Appeals VACATES the bankruptcy courts judgments
23 dismissing these actions and REMAND for further proceedings
24 consistent with this opinion. (related document(s)42, 46)
25 (Rouzeau, Anatin)

1
2 HEARING re 12-01670-cgm Doc# 52 Notice of Hearing RE: Status
3 Conference on the Copy of Mandate from Circuit Court issued
4 on 6/1/2020 (related document(s)49) filed by Clerk of Court,
5 United States Bankruptcy Court, SDNY. with hearing to be
6 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
7 (CGM) Doc. #49 Copy of Mandate from Circuit Court issued on
8 6/1/2020 Re: Appeal on Appellate Case Number: 17-3042. The
9 Court of Appeals VACATES the bankruptcy courts judgments
10 dismissing these actions and REMAND for further proceedings
11 consistent with this opinion. (related document(s)42, 46)
12 (Rouzeau, Anatin)

13
14 HEARING re 12-01676-cgm Doc# 82 Notice of Hearing RE: Status
15 Conference on the Copy of Mandate from Circuit Court issued
16 on 6/1/2020 (related document(s)79) filed by Clerk of Court,
17 United States Bankruptcy Court, SDNY. with hearing to be
18 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
19 (CGM) Doc. #79 Copy of Mandate from Circuit Court issued on
20 6/1/2020 Re: Appeal on Appellate Case Number: 17-3091. The
21 Court of Appeals VACATES the bankruptcy courts judgments
22 dismissing these actions and REMAND for further proceedings
23 consistent with this opinion. (related document(s)76, 72)
24 (Rouzeau, Anatin)

25

1 HEARING re 12-01677-cgm Doc# 128 Notice of Hearing RE:
2 Status Conference on the Copy of Mandate from Circuit Court
3 issued on 6/1/2020 (related document(s)125) filed by Clerk
4 of Court, United States Bankruptcy Court, SDNY. with hearing
5 to be held on 9/15/2021 at 10:00 AM at Videoconference
6 (ZoomGov) (CGM) Doc. #125 Copy of Mandate from Circuit Court
7 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-
8 3047. The Court of Appeals VACATES the bankruptcy
9 courts judgments dismissing these actions and REMAND for
10 further proceedings consistent with this opinion.(Rouzeau,
11 Anatin)

12
13 HEARING re 12-01680-cgm Doc# 89 Notice of Hearing RE: Status
14 Conference on the Copy of Mandate from Circuit Court issued
15 on 6/1/2020 (related document(s)86) filed by Clerk of Court,
16 United States Bankruptcy Court, SDNY. with hearing to be
17 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
18 (CGM) Doc. #86 Copy of Mandate from Circuit Court issued on
19 6/1/2020 Re: Appeal on Appellate Case Number: 17-3050. The
20 Court of Appeals VACATES the bankruptcy courts judgments
21 dismissing these actions and REMAND for further proceedings
22 consistent with this opinion. (related document(s)80, 84)
23 (Rouzeau, Anatin)

24
25 HEARING re 12-01690-cgm Doc# 91 Notice of Hearing RE: Status

1 Conference on the Copy of Mandate from Circuit Court issued
2 on 6/1/2020 (related document(s)85) filed by Clerk of Court,
3 United States Bankruptcy Court, SDNY. with hearing to be
4 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
5 (CGM) Doc. #85 Copy of Mandate from Circuit Court issued on
6 6/1/2020 Re: Appeal on Appellate Case Number: 17-3115. The
7 Court of Appeals VACATES the bankruptcy courts judgments
8 dismissing these actions and REMAND for further proceedings
9 consistent with this opinion.(related document(s)72, 76)
10 (Rouzeau, Anatin)

11
12 HEARING re 12-01693-cgm Doc# 83 Notice of Hearing RE: Status
13 Conference on the Copy of Mandate from Circuit Court issued
14 on 6/1/2020 (related document(s)76) filed by Clerk of Court,
15 United States Bankruptcy Court, SDNY. with hearing to be
16 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
17 (CGM) Doc. #76 Copy of Mandate from Circuit Court issued on
18 6/1/2020 Re: Appeal on Appellate Case Number: 17-2992. The
19 Court of Appeals VACATES the bankruptcy courts judgments
20 dismissing these actions and REMAND for further proceedings
21 consistent with this opinion. (related document(s)69, 73)
22 (Rouzeau, Anatin)

23
24 HEARING re 12-01694-cgm Doc# 82 Notice of Hearing RE: Status
25 Conference on the Copy of Mandate from Circuit Court issued

1 on 6/1/2020 (related document(s)79) filed by Clerk of Court,
2 United States Bankruptcy Court, SDNY. with hearing to be
3 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
4 (CGM) Doc. #79 Copy of Mandate from Circuit Court issued on
5 6/1/2020 Re: Appeal on Appellate Case Number: 17-2996. The
6 Court of Appeals VACATES the bankruptcy courts judgments
7 dismissing these actions and REMAND for further proceedings
8 consistent with this opinion. (related document(s)72, 76)
9 (Rouzeau, Anatin)

10

11 HEARING re 12-01695-cgm Doc# 79 Notice of Hearing RE: Status
12 Conference on the Copy of Mandate from Circuit Court issued
13 on 6/1/2020 (related document(s)76) filed by Clerk of Court,
14 United States Bankruptcy Court, SDNY. with hearing to be
15 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
16 (CGM) Doc. #76 Copy of Mandate from Circuit Court issued on
17 6/1/2020 Re: Appeal on Appellate Case Number: 17-3112. The
18 Court of Appeals VACATES the bankruptcy courts judgments
19 dismissing these actions and REMAND for further proceedings
20 consistent with this opinion. (related document(s)69, 73)
21 (Rouzeau, Anatin)

22

23 HEARING re 12-01695-cgm Doc# 133 Notice of Hearing RE:
24 Status Conference on the Copy of Mandate from Circuit Court
25 issued on 6/1/2020 (related document(s)130) filed by Clerk

1 of Court, United States Bankruptcy Court, SDNY. with hearing
2 to be held on 9/15/2021 at 10:00 AM at Videoconference
3 (ZoomGov) (CGM) Doc. #130 Copy of Mandate from Circuit Court
4 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-
5 3065. The Court of Appeals VACATES the bankruptcy
6 courts judgments dismissing these actions and REMAND for
7 further proceedings consistent with this opinion. der
8 (related document(s)121, 125) (Rouzeau, Anatin)

9
10 HEARING re 12-01700-cgm Doc# 101 Notice of Hearing RE:
11 Status Conference on the Copy of Mandate from Circuit Court
12 issued on 6/1/2020 (related document(s)98) filed by Clerk of
13 Court, United States Bankruptcy Court, SDNY. with hearing to
14 be held on 9/15/2021 at 10:00 AM at Videoconference
15 (ZoomGov) (CGM) Doc. #98 Copy of Mandate from Circuit Court
16 issued on 6/1/2020 Re: Appeal on Appellate Case Number: 17-
17 3076. The Court of Appeals VACATES the bankruptcy
18 courts judgments dismissing these actions and REMAND for
19 further proceedings consistent with this opinion. (related
20 document(s)90, 95) (Rouzeau, Anatin)

21
22 HEARING re 10-04538-cgm Doc# 97 Notice of Hearing for
23 failure to submit order (related document(s)89) filed by
24 Clerk of Court, United States Bankruptcy Court, SDNY. with
25 hearing to be held on 9/15/2021 at 10:00 AM at

1 Videoconference (ZoomGov) (CGM) Doc. #89 Motion to Approve
2 /Memorandum of Law in Support of Trustee's Motion for
3 Limited Additional Discovery Based on Prior Orders
4 Authorizing Deposition of Bernard L. Madoff filed by David
5 J. Sheehan on behalf of Irving H. Picard, Trustee for
6 the Liquidation of Bernard L. Madoff Investment Securities
7 LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit A:
8 Remaining Good Faith Cases # 2 Exhibit B:
9 Cases Participating in Madoffs Deposition # 3 Exhibit C:
10 Cases Not Participating in Madoffs Deposition # 4 Exhibit D:
11 Cases with Open Fact Discovery # 5 Exhibit E:
12 Cases with Closed Fact Discovery with CMOs # 6 Exhibit F:
13 Cases with Served Expert Reports # 7 Exhibit G: Bongiorno
14 Rule 30 Order # 8 Exhibit H: Bonventre Rule 30
15 Order # 9 Exhibit I : Crupi Rule 30 O
16
17 HEARING re 10-04631-cgm Doc# 53 Notice of Hearing for
18 failure to submit order (related document(s)44) filed by
19 Clerk of Court, United States Bankruptcy Court, SDNY. with
20 hearing to be held on 9/15/2021 at 10:00 AM at
21 Videoconference (ZoomGov) (CGM) Doc. #44 Motion to Approve
22 /Memorandum of Law in Support of Trustee's Motion for
23 Limited Additional Discovery Based on Prior Orders
24 Authorizing Deposition of Bernard L. Madoff filed by David
25 J. Sheehan on behalf of Irving H. Picard trustee for

1 the liquidation of Bernard L. Madoff Investment Securities
2 LLC with hearing to be held on 10/31/2018 at 10:00 AM at
3 Courtroom 723 (SMB) Responses due by 10/17/2018.
4 (Attachments: # 1 Exhibit A: Remaining Good Faith Cases # 2
5 Exhibit B: Cases Participating in Madoff's Deposition # 3
6 Exhibit C: Cases Not Participating in Madoff's Deposition #
7 4 Exhibit D: Cases with Open Fact Discovery # 5 Exhibit E:
8 Cases with Closed Fact Discovery with CMOs # 6 Exhibit F:
9 Cases with Served Expert Reports #7 Exhibit G: Bongiorno
10 Rule 30 Order # 8 Exhibit H: Bonventre Rule 30 Order # 9
11 Exhibit I: Crupi Rule 30 Order
12
13 HEARING re 10-04702-cgm Doc# 92 Notice of Hearing on Status
14 Conference (related document(s)88) filed by Clerk of Court,
15 United States Bankruptcy Court, SDNY. with hearing to be
16 held on 9/15/2021 at 10:00 AM at Videoconference (ZoomGov)
17 (CGM) Doc. #88 Mediator's Final Report Settled Filed by
18 Allen G. Kadish on behalf of Allen G. Kadish. (Kadish,
19 Allen)
20
21 HEARING re 10-04702-cgm Doc# 84 Notice of Hearing for
22 failure to submit order (related document(s)76) filed by
23 Clerk of Court, United States Bankruptcy Court, SDNY. with
24 hearing to be held on 9/15/2021 at 10:00 AM at
25 Videoconference (ZoomGov) (CGM) Doc. #76 Motion to Approve

1 /Memorandum of Law in Support of Trustee's Motion for
2 Limited Additional Discovery Based on Prior Orders
3 Authorizing Deposition of Bernard L. Madoff filed by David
4 J. Sheehan on behalf of Irving H. Picard, Trustee for
5 the Liquidation of Bernard L. Madoff Investment Securities
6 LLC with hearing to be held on 10/31/2018 at 10:00 AM at
7 Courtroom 723 (SMB) Responses due by 10/17/2018,.
8 (Attachments: # 1 Exhibit A: Remaining Good Faith Cases # 2
9 Exhibit B: Cases Participating in Madoffs Deposition # 3
10 Exhibit C: Cases Not Participating in Madoffs Deposition # 4
11 Exhibit D: Cases with Open Fact Discovery # 5 Exhibit E:
12 Cases with Closed Fact Discovery with CMOs # 6 Exhibit F:
13 Cases with Served Expert Reports # 7 Exhibit G: Bongiorno
14 Rule 30 Order # 8 Exhibit H: Bonventre Rule 30 Order # 9
15 Exhibit I: Crupi Rule 30 Order # 10 Exhibit J: Main Proposed
16 Order # 11 Notice of Motion) (Sheehan, David)
17
18 HEARING re 10-05286-cgm Doc# 251 Notice of Hearing on the
19 Order of U.S. District Court Judge signed on 8/31/2021.
20 (related document(s)250) filed by Clerk of Court, United
21 States Bankruptcy Court, SDNY. with hearing to be held on
22 9/15/2021 at 10:00 AM at Videoconference (ZoomGov) (CGM)
23 Doc. #250 Order of U.S. Circuit Court Judge signed on
24 8/31/2021 (DuBois, Linda) Additional attachment(s) added on
25 8/31/2021 (DuBois, Linda).

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HEARING re 10-053450cgm Doc# 204 Notice of Hearing on the
Order of U.S. District Court Judge signed on 8/31/2021.
(related document(s)203) filed by Clerk of Court, United
States Bankruptcy Court, SDNY. with hearing to be held on
9/15/2021 at 10:00 AM at Videoconference (ZoomGov) (CGM)
Doc. #203 Order of U.S. Circuit Court Judge signed on
8/31/2021. (DuBois, Linda) Additional attachment(s) added on
8/31/2021 (DuBois, Linda).

HEARING re 10-053530-cgm Doc# 188 Notice of Hearing on
Status Conference filed by Clerk of Court, United States
Bankruptcy Court, SDNY. with hearing to be held on 9/15/2021
at 10:00 AM at Videoconference (ZoomGov) (CGM)

HEARING re 10-04539-cgm Doc# 110 Cross Motion for Summary
Judgment Notice of Defendants' Cross Motion
for Summary Judgment (related document(s)99) filed by Helen
Davis Chaitman on behalf of Barbara Keller, Gerald E.
Keller, The Gerald and Barbara Keller Family Trust
Doc# 111 Memorandum of Law Memorandum of Law in Opposition
to the Trustees Motion for Summary Judgment and in Support
of Defendants Cross-Motion for
Summary Judgment Dismissing the Complaint (related
document(s)110) filed by Helen Davis Chaitman on behalf of

1 Barbara Keller, Gerald E. Keller, The Gerald and Barbara
2 Keller Family Trust.
3 Doc# 112 Response to Motion Opposition and Response to
4 Trustees Statement of Material Facts, ECF no. 101 filed by
5 Helen Davis Chaitman on behalf of Barbara Keller, Gerald E.
6 Keller, The Gerald and Barbara Keller Family Trust.
7 Doc# 113 Counter Statement Counterstatement of Material
8 Facts in Opposition to the Trustees Motion for Summary
9 Judgment and in Support of Defendants Cross-Motion
10 for Summary Judgment Dismissing the Complaint filed by Helen
11 Davis Chaitman on behalf of Barbara Keller, Gerald E.
12 Keller, The Gerald and Barbara Keller Family
13 Trust.
14 Doc# 99 Motion for Summary Judgment /Notice of Trustees
15 Motion for Summary Judgment filed by Nicholas Cremona on
16 behalf of Irving H. Picard, Trustee for the
17 Liquidation of Bernard L. Madoff Investment Securities LLC,
18 and Bernard L. Madoff with hearing to be held on 8/18/2021
19 at 10:00 AM at Videoconference (ZoomGov) (CGM).
20 Doc# 119 Reply to Motion /Trustees Reply Memorandum of Law
21 in Further Support of Motion for Summary Judgment and
22 Opposition to Defendants Cross-Motion for Summary Judgment
23 (Adv. Pro. No. 10-04539) filed by Nicholas Cremona on behalf
24 of Irving H Picard Esq..
25 Doc# 124 Reply to Motion Defendants Reply Memorandum of Law

1 in Further Support of Their Cross-Motion for Summary
2 Judgment Dismissing the Complaint (related document(s)110)
3 filed by Helen Davis Chaitman on behalf of Barbara Keller,
4 Gerald E. Keller, The Gerald and Barbara Keller Family
5 Trust.

6
7 HEARING re 20-013160cgm Doc# 17 Motion to Dismiss Party
8 filed by Daniel Stuart Alter on behalf of KHRONOS LIQUID
9 OPPORTUNITIES FUND LTD.

10
11 HEARING re 20-01316-cgm Doc# 21 Motion to Dismiss Party /
12 Rafael Mayer filed by Eric Fisher on behalf of
13 Rafael Mayer with hearing to be held on 6/9/2021 at 09:00 AM
14 at Courtroom 621 (CGM - NYC) Responses due by 5/4/2021,,
15 Doc# 24 Motion to Dismiss Adversary Proceeding (Defendants
16 Prince Resources LDCs and Prince Capital Partners LLCs
17 Notice of Motion To Dismiss The Complaint) filed
18 by Daniel H. Tabak on behalf of PRINCE CAPITAL PARTNERS
19 LLC,, PRINCE RESOURCES LDC. with hearing to be held on
20 6/9/2021 at 09:00 AM at Courtroom 621 (CGM - NYC) Responses
21 due by 5/4/2021,
22 Doc# 25 Motion to Dismiss Adversary Proceeding filed by
23 Matthew M. Graham on behalf of David Mayer. with hearing to
24 be held on 6/9/2021 at 09:00 AM at
25 Teleconference Line (CourtSolutions) (CGM) Responses due by

1 5/4/2021,

2 Doc# 77 Notice of Adjournment of Hearing re: Memorandum of

3 Law (related document(s)17) filed by Daniel Stuart Alter on

4 behalf of KHRONOS LIQUID OPPORTUNITIES FUND LTD ; hearing

5 not held and adjourned to 9/15/2021 at 10:00 AM at

6 Videoconference (ZoomGov) (CGM) (DuBois, Linda).

7 Doc# 78 Notice of Adjournment of Hearing re: Reply

8 Memorandum of Law of Rafael Mayer in Support of His Motion

9 to Dismiss the Complaint (related document(s)21) filed by

10 Eric Fisher on behalf of Rafael Mayer; hearing not held and

11 adjourned to 9/15/2021 at 10:00 AM at Videoconference

12 (ZoomGov) (CGM) (DuBois, Linda).

13 Doc# 79 Notice of Adjournment of Hearing re: Reply

14 Memorandum of Law of Defendants Prince Resources LDC and

15 Prince Capital Partners LLC in Support of Their

16 Motion to Dismiss the Complaint (related document(s)24)

17 filed by Daniel H. Tabak on behalf of PRINCE CAPITAL

18 PARTNERS LLC,, PRINCE RESOURCES LDC; hearing not held and

19 adjourned to 9/15/2021 at 10:00 AM at Videoconference

20 (ZoomGov) (CGM) (DuBois, Linda).

21 Doc# 80 Notice of Adjournment of Hearing re: Reply to Motion

22 Defendant David Mayers Reply Memorandum of Law in Further

23 Support of Motion to Dismiss the Complaint (related

24 document(s)25) filed by Matthew M. Graham on behalf of David

25 Mayer; hearing not held and adjourned to 9/15/2021 at 10:00

1 AM at Videoconference (ZoomGov) (CGM) (DuBois, Linda).
2 Doc# 81 Notice of Adjournment of Hearing re: Declaration of
3 Alexander Potts QC in Support of Individual Defendants
4 Motions to Dismiss (related document(s)21) filed by Doc# 21
5 Motion to Dismiss Party / Rafael Mayer filed by Eric Fisher
6 on behalf of Rafael Mayer with hearing to be held on
7 6/9/2021 at 09:00 AM at Courtroom 621 (CGM - NYC) Responses
8 due by 5/4/2021,. Eric Fisher on behalf of Rafael Mayer;
9 hearing not held and adjourned to 9/15/2021 at 10:00 AM at
10 Videoconference (ZoomGov) (CGM) (DuBois, Linda).
11 Doc# 82 Notice of Adjournment of Hearing re: Opposition
12 Brief /Trustees Memorandum of Law in Opposition to Motion to
13 Dismiss by Prince Resources LDC and Prince Capital Partners
14 LLC (related document(s)24) filed by Oren Warshavsky on
15 behalf of Irving Picard, as Trustee for the Liquidation of
16 Bernard L. Madoff Investment Securities LLC.; hearing not
17 held and adjourned to 9/15/2021 at 10:00 AM at
18 Videoconference (ZoomGov) (CGM) (DuBois, Linda).
19 Doc# 84 Notice of Adjournment of Hearing re: Opposition
20 Brief /Trustees Memorandum of Law in Opposition to Khronos
21 Liquid Opportunities Fund, Ltds Motion to Dismiss (related
22 document(s)17) filed by Oren Warshavsky on behalf of
23 Irving Picard, as Trustee for the Liquidation of Bernard L.
24 Madoff Investment Securities LLC .; hearing not held and
25 adjourned to 9/15/2021 at 10:00 AM at Videoconference

1 (ZoomGov) (CGM) (DuBois, Linda).

2 Doc# 83 Notice of Adjournment of Hearing re: Opposition

3 Brief /Trustees Memorandum of Law in Opposition to Motions

4 to Dismiss By Rafael Mayer and David Mayer (related

5 document(s)21, 25) filed by Oren Warshavsky on behalf of

6 Irving Picard, as Trustee for the Liquidation of Bernard L.

7 Madoff Investment Securities LLC.; hearing not held and

8 adjourned to 9/15/2021 at 10:00 AM at Videoconference

9 (ZoomGov) (CGM) (DuBois, Linda).

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1 P R O C E E D I N G S

2 THE COURT: Adversary Proceeding 08-01789,
3 Securities Investment Protection Corp. -- is that the one
4 I'm on? Yes. This is -- this is the in general, I believe
5 -- I'm sorry. I skipped down. Give me a moment, please.
6 The calendar is really so big, I have a -- I struggle
7 keeping up with it on the computer. If it's on paper, I
8 could easily thumb through it. But that just shows my age.

9 Yes. This is the -- this is the Securities
10 Investor Protection in the Bernie Madoff securities --
11 Securities Investor Protection v. Bernard Madoff, In re
12 Bernie Madoff, Adversary Proceeding 08-01789. And this is
13 the status conference on what is coming before us, I
14 believe. State your name and affiliation.

15 MR. CREMONA: Good morning, Your Honor. This is
16 Nicholas Cremona, of Baker & Hostetler, appearing on behalf
17 of Irving Picard, as Trustee. I have a few of my colleagues
18 here with me this morning, and we're prepared to present the
19 status report that we filed on Friday, if that's acceptable
20 to Your Honor.

21 THE COURT: Absolutely. And I have it in front of
22 me. And let everyone put their name on the record, or you
23 can put it on for them.

24 MS. NEVILLE: Good morning, Your Honor. It's
25 Carol Neville, on behalf of S&L Partnership.

1 THE COURT: That is not the case I'm on yet, Ms.
2 Neville, I don't believe. Yes, it is.

3 MS. NEVILLE: It's on -- it's on that strap list
4 (ph), Your Honor.

5 THE COURT: Okay. Pardon me, Ms. Neville.

6 MR. CALVANI: Good morning, Your Honor. My name
7 is Torello Calvani. I'm an attorney at Baker Hostetler, on
8 behalf of the Trustee.

9 THE COURT: Very good. Yeah. I just called about
10 a hundred cases, I understand. Thank you.

11 MR. GOTTRIDGE: Your Honor -- I'm sorry. Your
12 Honor, good morning. It's Marc Gottridge, from Hogan
13 Lovells, on behalf of the Barclays defendants in these
14 cases, and I may have a comment to make or a suggestion to
15 make after the Trustee's counsel presents based on what
16 we've seen in the status report.

17 THE COURT: Certainly, and I'm glad to hear from
18 everybody on this. Very good. Anyone else wish to put
19 their name on the record?

20 MR. FEIL: Your Honor, Matthew Feil, from Baker
21 Hostetler, on behalf of the Trustee.

22 MR. SIMON: Good morning, Your Honor. This is
23 Howard Simon, from Windels Marx, as special counsel to the
24 Trustee on certain of the matters on for the status
25 conference.

1 THE COURT: Okay.

2 MR. DUDA: Good morning, Your Honor. Justin Duda,
3 from Young Conaway Stargatt & Taylor, as complex counsel for
4 Irving Picard in certain of the matters before Your Honor
5 today.

6 THE COURT: Very good. Anyone else wish to put
7 their name on the record? Okay. Mr. Carmona, let's go
8 through what we've got. I've got your letter. I mean,
9 excuse me, your status conference report. And this is all -
10 - a lot of this has to do with the fact that the Second
11 Circuit overruled Judge Rakoff.

12 MR. CREMONA: Yes, Your Honor. Again, this is
13 Nicholas Cremona, Baker & Hostetler, appearing on behalf of
14 the Trustee. That is certainly a good portion of the
15 Trustee's status report and what we intend to present to
16 Your Honor this morning. As you saw, we filed our status
17 report which is located at ECF Number 20740 initially in
18 response to the Court's scheduling of multiple status
19 conferences in numerous adversary proceedings across the
20 categories of the remaining cases.

21 You know, unless at the outset Your Honor has any
22 specific questions about any particular case scheduled for
23 conference, my colleagues and I will plan to provide the
24 Court with a general update on each category of cases, the
25 progress and developments since we last appeared before Your

1 Honor, most importantly, as you note, the decision from the
2 Second Circuit overruling Judge Rakoff's decision and then
3 getting into the current posture of the cases and how we
4 expect the cases to proceed before the Court over the next
5 several months.

6 THE COURT: Right. And there are the defendants'
7 attorney that would like to weigh in on these things. So
8 I'm pleased with that. Go ahead. We can follow your
9 report, if that's easier for everyone.

10 MR. CREMONA: That would be my suggestion, Your
11 Honor. And with that, I will start with the good faith
12 cases that remain before the Court if that's acceptable.

13 THE COURT: It is with me.

14 MR. CREMONA: I am pleased to report to Your Honor
15 that we have resolved 20 additional good faith cases by way
16 of litigation through judgment or settlement since our last
17 status conference in March. As we stated in the report and
18 detailed on Exhibit A, we have 44 remaining cases. Of those
19 44, the Court noticed nine cases for status conference
20 today.

21 Unless Your Honor has specific questions about
22 those nine cases, I can generally report that those cases
23 are either in settlement discussions, ongoing mediations or
24 ripe for summary judgment. In the event that we are unable
25 to consensually resolve the remaining good faith cases, we

1 expect to bring motions for summary judgment before the
2 Court on a monthly or semimonthly basis over the next
3 several months, consistent with the permission Your Honor
4 granted to the parties at the March 17th conference and the
5 law of the case as most recently articulated in Your Honor's
6 July 2 decision in the Stanley Miller case.

7 I would also point out, consistent with Your
8 Honor's direction on March 17, we have indicated on Exhibit
9 A to our report which of the 44 remaining cases are
10 currently pending before the District Court or the Court of
11 Appeals. As I'm sure Your Honor noted, there are nine
12 proceedings currently before the District Court with pending
13 motions to withdraw the reference or summary judgment
14 motions.

15 One case is on appeal, and that is the appeal of
16 Your Honor's Epstein decision which is now pending and fully
17 briefed before Judge McMahon. One case is on appeal at the
18 circuit and that's the appeal of Judge Koeltl's summary
19 judgment decision in favor of the Trustee, and that matter
20 will be fully briefed by mid-November.

21 THE COURT: Okay.

22 MR. CREMONA: Absent any questions Your Honor may
23 have about those cases or the remaining good faith cases,
24 there's one correction to Exhibit A that I need to make on
25 the record, if that's acceptable. With respect to the

1 151797 Canada Inc. case, which is Adversary --

2 THE COURT: Okay. I'm sorry. You're going to
3 have to point me to where you are.

4 MR. CREMONA: I am on Exhibit A to the report.

5 THE COURT: Okay.

6 MR. CREMONA: And it's one of the cases that is
7 indicated to be on for today's conference.

8 THE COURT: Right.

9 MR. CREMONA: On page one of Exhibit A, and it's
10 Adversary --

11 THE COURT: I have it. I have it now.

12 MR. CREMONA: Okay. Adversary Proceeding Number
13 10-4631. As Your Honor will see there, the Trustee
14 inadvertently referenced Judith and Samuel Pizar as active
15 defendants. They should not have been included, as they
16 were both dismissed from the case by stipulation on the
17 relevant docket and counsel for the defendants pointed that
18 out. And I just wanted to make that correction on the
19 record, and we'll certainly correct the reports going
20 forward to reflect that.

21 THE COURT: Excellent. Okay.

22 MR. CREMONA: With that, Your Honor, unless you
23 have any particular questions on the good faith matters, I
24 will turn matters over to my colleague, Torello Calvani, to
25 provide an update on the subsequent transfer cases.

1 THE COURT: Very good. Please.

2 MR. CREMONA: Thank you, Your Honor.

3 MR. CALVANI: Again, Your Honor, my name is
4 Torello Calvani. I'm an attorney at Baker Hostetler. I
5 would like to briefly discuss a couple of points raised in
6 the Trustee's status report filed on Friday, September 10th
7 and answer any questions Your Honor may have about recent
8 proceedings or next steps in the subsequent transfer cases.

9 THE COURT: Okay.

10 MR. CALVANI: As an overview, the Trustee has 80
11 cases against defendants who allegedly received subsequent
12 transfers of customer property from Madoff's feeder funds,
13 and 70 of these cases have been noticed for today's
14 conference. The Trustee's cases primarily seek to recover
15 transfers from the Fairfield funds, certain Tremont funds
16 and the fund Harley International.

17 Most of these cases were dismissed following the
18 District Court's and this Court's prior rulings on
19 extraterritoriality and international comity. However in
20 2019 the Second Circuit reversed those decisions and, in
21 2020, these cases returned to this Court. Upon the cases'
22 return, the Trustee attempted to move forward in a couple of
23 cases.

24 In two proceedings, the Trustee sought to amend
25 his complaints. Each defendant responded with a motion --

1 with a motion to stay proceedings pending a decision from
2 the Second Circuit on the issue of good faith in the
3 Citibank and Legacy Capital appeals, and in each proceeding
4 the Court granted a stay. In light of the stays, the
5 Trustee did not make any further motions to amend at the
6 time.

7 As much as the Trustee wanted to move forward, we
8 understood that defendants would resist and likely receive a
9 stay until the Second Circuit decided the good faith issue
10 in the Citibank and Legacy Capital appeal. We now of course
11 have that decision from the Second Circuit. On August 30th,
12 the Second Circuit issued its decision in Citibank and
13 Legacy Capital.

14 The Second Circuit held that the good faith
15 defense under Section 548(c) and Section 550(b) is governed
16 by an inquiry notice standard, and that the Trustee does not
17 have the burden of pleading a transferee's lack of good
18 faith.

19 The Second Circuit also vacated the District
20 Court's decision from 2014 that announced the willful
21 blindness standard and this Court's prior decisions in
22 Citibank and Legacy Capital which applied the District
23 Court's willful blindness standard. Neither Citibank nor
24 Legacy Capital have petitioned for panel rehearing or en
25 banc review. That deadline passed on Monday, September

1 13th.

2 Consequently I would expect that the mandate would
3 issue in the Citibank and Legacy Capital proceedings by
4 Monday, September 20th, unless of course either Citibank or
5 Legacy Capital move to stay the mandate pending cert
6 petition to the Supreme Court.

7 I would like to talk briefly about next steps in
8 these cases. In light of the Second Circuit's decision, the
9 subsequent transfer complaints on file state a claim for
10 recovery under Section 550(b). The Trustee has pled that
11 BLMIS, in furtherance of a Ponzi scheme, made avoidable
12 transfers of customer property to the feeder funds and that
13 the funds subsequently transferred this property to
14 defendants.

15 Consequently the Trustee intends to move forward
16 in these cases. It's been ten years, and defendants still
17 have not answered the complaints. Our concern here is
18 prejudice. Given the passage of time since Madoff's arrest,
19 further delay will only hinder the Trustee's ability to
20 rebut any purported good faith defense.

21 So over the coming month, the Trustee plans to
22 meet and confer with counsel for each of the subsequent
23 transfer defendants to discuss a date by which the
24 defendants will response to the Trustee's complaints and
25 moving these cases forward into discovery. In approximately

1 15 cases, the Trustee will also seek consent from the
2 defendants or leave from the Court by motion to amend the
3 Trustee's previously filed complaints based on information
4 now available. Here the Trustee may seek to add additional
5 transfers that defendants received from the feeder funds or,
6 in certain cases, the Trustee may seek to add or substitute
7 a new defendant in under Rule 15.

8 Finally after meeting and conferring with counsel
9 for the individual defendants, we plan to update the Court
10 on the outcome of those meetings. But we expect that the
11 individual cases will proceed on their own schedules going
12 forward. And unless Your Honor has any questions, that's
13 the status report on the Trustee's subsequent transfer cases
14 that were noticed for today's conference.

15 THE COURT: Very good. Does someone wish to be
16 heard?

17 MR. GOTTRIDGE: Yes, Your Honor. It's Marc
18 Gottridge again. Just to be clear, I represent the Barclays
19 defendants in the Adversary Proceeding 11-02569. There are
20 three defendants. They're all Barclays affiliates. And
21 just to be clear, I am speaking on behalf of those
22 defendants. I am not presuming to speak on behalf of other
23 defendants, where defendants' counsel may agree or disagree
24 with what I'm going to say. Our clients are in the --

25 THE COURT: Would you please give me the case

1 numbers on those, please?

2 MR. GOTTRIDGE: Yes. It's all one -- there are
3 three defendants that are named in Adversary Proceeding 11-
4 02569.

5 THE COURT: Excellent. I have it. Thank you.
6 Yes.

7 MR. GOTTRIDGE: Okay. Thank you, Your Honor. So,
8 and this is one of the so-called subsequent transfer cases.
9 So in general I think there are two points that are made by
10 counsel for the Trustee in paragraph 14 of the status
11 report. One has to do with the Trustee's desire to amend
12 his pleadings in certain of the cases. I have nothing to
13 comment about that. I think it's obviously entirely up to
14 the Trustee to decide whether he would like to amend or seek
15 leave to amend where he needs to seek leave to amend. And
16 I'm not proposing to intrude upon that process.

17 But I do have a concern that there may be a more
18 efficient way to approach the next steps in these cases than
19 the Trustee has proposed. So I would like to suggest a
20 tweak that might make things a bit more streamlined, a bit
21 more efficient.

22 The concern I have is really with the part of
23 paragraph 14, and it was repeated again by counsel for the
24 Trustee today, that what they'd like to do is go out and
25 have separate meet-and-confers with counsel for each of what

1 I think is up to 80 defendants to discuss a date by which
2 the defendants will respond to the Trustee's complaints.
3 And the response under the Federal Rules could be either a
4 motion to dismiss or an answer.

5 It seems to me that it's not the most efficient
6 way to proceed to potentially have as many as 80 different
7 schedules in cases which are largely very similar. They're
8 based on the same legal theory. And the pleading is likely
9 to be, based on what we've seen already, and I don't mean
10 this in a pejorative sense at all, kind of cookie cutter
11 complaints where the elements are being pleaded in the same
12 way.

13 Obviously the dollar amounts are different, and
14 the dates may be different. But essentially these are very
15 much mirror image cases. And they're up to 80 of them. And
16 it seems that it wouldn't be efficient really to have
17 different cases with different response dates where it
18 wouldn't be all that difficult to come up with a system
19 where we could have simply one schedule as opposed to 80
20 schedules.

21 So what I would propose is this, Your Honor.
22 First of all, with respect to the amendments and all, I
23 think that the Trustee should take whatever time they need
24 to do whatever amending they need to do or whatever motions
25 for leave to amend they feel they need to do and then advise

1 all defendants and advise the Court of the date by which the
2 Trustee will have completed the amendment process. And I
3 think in fairness to the defendants and to the Court, once
4 these amendments are done, once that date's passed, there
5 should be no further amendments of the pleadings in the
6 subsequent transfer cases.

7 And then I would suggest that a group of
8 defendants' counsel should meet and confer with the Trustee
9 and his counsel on what would be a reasonable amount of time
10 from that date, measured from that date, for a response
11 date. And to the extent there will be motion practice,
12 motions to dismiss, we can propose, as Your Honor spoke
13 about earlier this morning in the connection -- in
14 connection with different cases, we can then propose to the
15 Court briefing schedules for those motions.

16 But I think that it's more efficient to have a
17 single response date off of which we can pivot and come up
18 with a single briefing schedule.

19 THE COURT: So you're telling me that I need to be
20 hearing 80 individual defendants at one time. But also
21 you're trying to -- you said they can't do an amendment.
22 The Federal Rules of Civil Procedure even allow amendments
23 after judgment. So that's off the table.

24 MR. GOTTRIDGE: No. Yeah. I didn't mean in the
25 sense that they can't do it. But I just think it should --

1 the Court and the defendants should know what the operative
2 pleading in that we're responding to. That's all.

3 THE COURT: I think it would be your client.

4 MR. GOTTRIDGE: Well, I think we'd need to see if
5 there's an amendment. If it's been amended, then obviously
6 that's the operative pleading. But if there hasn't been an
7 amendment, we need to know --

8 THE COURT: Well, we have the complaint.

9 MR. GOTTRIDGE: Uh-huh.

10 THE COURT: Then they have to decide on it. I
11 mean, it's the same thing as we're doing before. It sounds
12 like there's a bit of trying to lump. And you may say
13 they're cookie cutter. But by in large, it is a cookie
14 cutter type of proceeding right now. Bu each one of those
15 have individual issues.

16 MR. GOTTRIDGE: Well, they may. They may, Your
17 Honor. But they also I think are going to have common
18 issues, and I think that there's no prejudice to the Trustee
19 from proceeding the way I'm proposing, and it actually may
20 help the Trustee, it may help the Court and it may help the
21 defendants because if it turns out --

22 THE COURT: I don't know that it helps us because
23 I think you just heard me on the letters before, and that
24 ends up not helping me --

25 MR. GOTTRIDGE: No, no --

1 THE COURT: -- because your clients are unique.
2 Let's just give a little history to me for two seconds, and
3 most of you know this. Most of my case is a consumer
4 caseload. I have 300 matters on my calendars often. I will
5 tell you we pay attention individually to those 300 matters.
6 And sure, I think there's a possibility you could lump sum
7 together because all the facts would be similar. But that's
8 for the two of you to come up with.

9 Mr. Cremona, did I speak or -- answer the -- I
10 thought we had it that you would answer the complaint or you
11 would move to dismiss. Mr. Cremona, what am I missing?

12 MR. CREMONA: Well, I will defer to my colleague,
13 Mr. Calvani. But --

14 THE COURT: Mr. Calvani. I'm sorry.

15 MR. CALVANI: That's fine, Your Honor. Yeah.
16 What we proposed would be to meet and confer with the
17 defendants on an individual basis.

18 THE COURT: Always. Always.

19 MR. CALVANI: And then come up with schedules in
20 the individual cases for the defendants to answer or file a
21 responsive pleading. What I've taken from Mr. Gottridge, I
22 understand what he's setting forth.

23 My concern however is that the cases will only
24 move as fast as the slowest case. And so it would not be
25 expeditious. And what I heard from Your Honor in the

1 conference in the Fairfield Sentry matter was that each
2 defendant may have different facts or issues that should be
3 dealt with on an individual case-by-case basis. That's what
4 I believe Your Honor said, and I think it holds true in this
5 case as well.

6 I also think that we are running out of common
7 issues that can be dealt with on some sort of a consolidated
8 basis. We've had consolidated briefing in this case on
9 Stern v. Marshall, antecedent debt, the safe harbor under
10 Section 546(e), the meaning of the term avoided under
11 Section 550(a), international comity, the extraterritorial
12 reach and application of the Bankruptcy Code and, more
13 recently, good faith under Section 548(c) and 550(b).

14 Litigation over these common issues has taken, you
15 know, ten years. And we're essentially where we are today.
16 And I think the defendants -- I just don't see any remaining
17 common issues that should be dealt with on some sort of a
18 class-wide or defendant-wide consolidated basis. So that
19 would be my initial response to the defendants.

20 But again, what we are proposing is to meet and
21 confer with Mr. Gottridge to discuss his cases and, you
22 know, we are obviously open to listen. So we want to
23 coordinate this in a fashion that doesn't waste any party or
24 judicial resources.

25 THE COURT: Right. That's sort of where I am too.

1 I can't say -- I mean, all the big issues have been
2 resolved. We've been 13 years on this. We've got -- we
3 need the individual briefing, and I need -- but I will leave
4 it to the plaintiffs to set it up in such a way as we can
5 have them staggered in. Mr. Lavine, you turned your light
6 on. Did you wish to say something?

7 MR. LAVINE: Yes, Your Honor. Thank you. I
8 represent defendants in three adversaries. Happy to give
9 you the numbers --

10 THE COURT: Please.

11 MR. LAVINE: -- although my question doesn't
12 relate to any particular one.

13 THE COURT: Well, let's just make sure the record
14 reflects who you're representing. That's what I want.

15 MR. LAVINE: The defendants in 11-2149 --

16 THE COURT: Okay.

17 MR. LAVINE: -- 11-2553 and 11-2731.

18 THE COURT: Thank you.

19 MR. LAVINE: Does the Court wish to provide
20 guidance here in the manner that it did in the Fairfield
21 cases, that personal jurisdiction issues should be briefed
22 and decided first before proceeding on briefing on any
23 12(b)(6) motions or should they be -- as opposed to having
24 all 12(b)(2) and 12(b)(6) motions combined?

25 THE COURT: Well, I want everything moved under

1 the Rules of Federal -- the Federal Rules of Civil
2 Procedure. And the plaintiffs need to make them. And
3 honestly we'll do them individually and then, when they're
4 done, when they've made their move, when they've made their
5 motion, then you have a chance to reply to it.

6 MR. LAVINE: Your Honor, I think the defendants
7 are going to be making the motions, and my question is
8 whether you want us to separate out any personal
9 jurisdiction objections from merits objections, as you're
10 doing in the Fairfield cases.

11 THE COURT: Just make it all in one motion.

12 MR. LAVINE: Thank you, Your Honor.

13 THE COURT: So, right. Right.

14 MR. GOTTRIDGE: Your Honor, just -- if I may jut
15 briefly, Marc Gottridge again, and I just want to make sure
16 that I wasn't misunderstood. The idea that we had about
17 trying to reduce the number of response dates is that there
18 may well be common issues that still remain, and to the
19 extent that there are, I think it would be better if instead
20 of the Court receiving 20, 30, 40 or up to 80 briefings on
21 it, if we can get together a group or subgroups and
22 consolidate that briefing on those issues, that would be
23 beneficial to the Trustee, to the defendants and to the
24 Court. That's all I was suggesting. I did --

25 THE COURT: Okay.

1 MR. GOTTRIDGE: I did think that -- I do
2 appreciate what Mr. Calvani said, that it sounds like the
3 Trustee is willing to, you know, consider streamlining and
4 rationalizing through this meet-and-confer process. And we,
5 and I'm sure some of the other defendants, would be happy to
6 --

7 THE COURT: Okay. I just want to say something to
8 you. I don't think you heard me. I have a consumer
9 caseload. And I often have 300 matters on. I will tell you
10 almost every single one of those have the same issue. But
11 they're individuals. Their service is individual. Their
12 discovery is individual. Their needs are individual. And
13 that's how I feel about these cases. You've got 80 cases
14 here. each one of those to me are separate cases.
15 Certainly there might be things that match. If you all
16 decide that you want to have those returnable on the same
17 day so that I can make a ruling in one and it goes to the
18 other, that's fine with me.

19 But I want them individual, and I want the
20 individual brief. If it means you're doing a cookie cutter
21 response, if it means you're doing a cookie cutter motion,
22 okay. I do that 300 days out of the year. But in the end,
23 your client is not the same as Mr. Lavine's client and your
24 clients do not have the same issues. It may be the same set
25 of facts pretty much and it may be the same set of

1 circumstances.

2 But in the end, I've got to make a decision, and I
3 want to make a decision on your client. And I'm really
4 truly -- looking at all the cases I've done so far, and I'm
5 still learning it, so bear with me, all the cases is the
6 "big lump" issues have been dealt with. We are now down to
7 what does your client say was the issue in your case or his
8 case or her case.

9 So, and you may get a cookie cutter decision and
10 11-0256 may end up being the same decision that's in 11-
11 02149 by in large. But we will also gear it to that client.
12 And so we're hoping everybody gets heard. That's the issue.
13 So have I been muddy -- did I muddy the waters enough?

14 MR. GOTTRIDGE: I understand, Your Honor. I
15 understand what you're saying. Thank you.

16 THE COURT: Very good. Now we have the good
17 faiths. So that's the active good faith. Does that take --
18 now we have the subsequent transferee cases, correct? And
19 those were Mr. Levine had addressed three -- two of those.

20 MR. GOTTRIDGE: And Your Honor, my case was also -
21 - this is Marc Gottridge again. It was also a subsequent
22 transferee.

23 THE COURT: Transferee. Okay. Okay. So
24 continuing on with the report, the status conference report.
25 I will get more and more familiar as we go along. I will

1 even remember your clients at some point.

2 MR. CALVANI: Yes, Your Honor. Torello Calvani
3 again, on behalf of the Trustee, for the status report filed
4 on Friday, I think we have nothing further to say on either
5 the good faith cases or the subsequent transfer cases.

6 I'm happy to answer any questions about individual
7 cases. But I think by in large until we meet and confer
8 with the defendants' counsel, that concludes the report, and
9 we can follow the -- either the calendar on the website or
10 the notice of agenda filed by the Trustee.

11 THE COURT: No. The calendar on the website.

12 MR. CALVANI: Yes, Your Honor.

13 THE COURT: Make sure they match. Mr. Cremona, I
14 believe that we had some motions that we don't have orders
15 on yet. Have you looked into that?

16 MR. CREMONA: Yes, Your Honor. Again, Nicholas
17 Cremona, of Baker & Hostetler, appearing on behalf of the
18 Trustee. I can clarify that now on the record. I saw that
19 a number, I believe eight of the nine good faith cases that
20 were scheduled for conference today related to an order that
21 was not entered on the docket related to the Trustee's
22 motion for additional limited discovery. And I can get you
23 that docket number.

24 THE COURT: Okay.

25 MR. CREMONA: Just bear with me one second.

1 THE COURT: And that's the only one you think is
2 outstanding? I thought we had about nine outstanding.

3 MR. CREMONA: Well, I was just going to refer to
4 the motion which was filed -- excuse me -- it's Docket
5 Number 18015. And if -- I would direct Your Honor to
6 Exhibit C of that motion, excuse me, which listed the cases
7 that did not participate in Madoff's deposition.

8 And just let me back up. The Trustee filed that
9 motion after Bernard Madoff was deposed in approximately 90
10 or so good faith cases that were pending at the time. On
11 Exhibit C to that motion, we listed the cases that did not
12 participate in Mr. Madoff's deposition.

13 So therefore they were carved out of the relief
14 sought, and that is why no order addressing that motion was
15 entered in all of the dockets in the cases that Your Honor
16 scheduled. The only one where it was addressed was the S&L
17 Partnership case. And in fact the order was entered on that
18 docket. So I think --

19 THE COURT: Okay. So on those that you didn't,
20 it's withdrawn as to those?

21 MR. CREMONA: It is, Your Honor, and it was never
22 relevant to them in that they were carved out specifically
23 on Exhibit C of the motion.

24 THE COURT: Okay. So we will enter withdrawn on
25 those, on those. Be in touch with chambers and let's get

1 that taken care of. As many of you notice, I try to keep a
2 very clean docket so that -- I call it the hit by a bus
3 syndrome. If I get hit by a bus or you get hit by a bus,
4 the docket is clean.

5 MR. CREMONA: Understood, Your Honor. We will
6 certainly make that clarification and coordinate with
7 chambers.

8 THE COURT: Okay. Because for every case that we
9 don't have an order, we're going to put it on withdrawn --
10 what you've just said on the record. But you need to get
11 with chambers to make sure. Okay.

12 MR. CREMONA: Understood.

13 THE COURT: Good. Thank you. Thank you, thank
14 you, thank you. All right, everyone. Ms. Neville, do you
15 have anything you wish to add since I cut you off twice?

16 MS. NEVILLE: No, Your Honor. May I be excused?

17 THE COURT: Of course you may.

18 MS. NEVILLE: Thank you.

19 THE COURT: We're moving to the next matter that I
20 don't believe you're involved with anyway.

21 MS. NEVILLE: Thank you.

22 THE COURT: Anyone else? Very good.

23 MAN 1: Yes, Your Honor. May any of us drop off
24 on these next matters --

25 THE COURT: Please. Yes, of course.

1 MAN 1: -- as they go.

2 THE COURT: Because this is -- this is a whole
3 different matter. So thank you. Thanks, everyone. Have a
4 good day.

5 MAN 1: Thank you.

6 THE COURT: And for you that are celebrating Yom
7 Kippur, I hope you have an easy fast. Case Number 10-04539,
8 Bernie Madoff v. The Irving Picard, Trustee v. the Gerald
9 and Barbara Keller matter.

10 Wait. I have another one first. Excuse me. 10-
11 04986, Irving Picard as Trustee v. Knee. This is Trustee's
12 motion for limited additional discovery. I just did all of
13 those. Never mind. I apologize. That's part of the entire
14 docket. Sometimes it would be easier to do the agenda. But
15 the agenda doesn't match my docket. So, but I believe we
16 are -- Mr. Cremona, are we not on 10-04539?

17 MR. CREMONA: We are, Your Honor. Again, Nicholas
18 Cremona, Baker & Hostetler, appearing on behalf of the
19 Trustee. This is the Trustee's motion for summary judgment
20 in the Keller matter. And I'm going to hand off this matter
21 to my colleague, Marie Carlisle, who's handling the argument
22 of the Trustee's motion.

23 THE COURT: Very good. Ms. Carlisle, state your
24 name and affiliation.

25 MS. CARLISLE: Certainly. Marie Carlisle, of

1 Baker Hostetler, appearing on behalf of the Trustee, Irving
2 Picard.

3 THE COURT: And for the Gerald and Barbara Keller
4 Family Trust and Gerald Keller, individually and trustee of
5 the Gerald and Barbara Keller Family Trust and Barbara
6 Keller, individually and in her capacity as trustee, state
7 your name.

8 MS. CHAITMAN: Your Honor, yes, this is Helen
9 Davis Chaitman, of Chaitman LLP, on behalf of the
10 defendants.

11 THE COURT: Ms. Chaitman, it is your motion.

12 MS. CHAITMAN: No. It is -- well, we made --

13 THE COURT: Oh, I'm sorry. It's a summary
14 judgment. I'm sorry. I apologize. It's the Trustee's
15 motion.

16 MS. CHAITMAN: Yes. We opposed that --

17 THE COURT: You have a cross-motion --

18 MS. CHAITMAN: -- we made a --

19 THE COURT: Exactly. Go ahead. This is the
20 original motion. Thank you.

21 MS. CARLISLE: Good morning, Your Honor. As you
22 just mentioned, we're here today on the Trustee's motion for
23 summary judgment and the defendants' countermotion in this
24 case. However practically speaking, Your Honor, all but two
25 of the issues that were argued in the parties' briefs have

1 previously been addressed and determined by this Court,
2 essentially leaving only two issues to be addressed by the
3 parties today: whether or not defendant Barbara Keller has
4 been dismissed pursuant to Rule 25 and whether or not
5 defendants are the initial transferees of the transfers
6 received from the Keller Trust's BLMIS account.

7 The other argument of the parties' briefs, which
8 include the fact that BLMIS was a Ponzi scheme, that the
9 Trustee has met the requirements of 11 USC 548(a)(1)(A),
10 that the transfers at issue here consisted of customer
11 property, the admissibility of the records presented by the
12 Trustee including the Form BD, plea allocutions and expert
13 reports, that the IA business did not purchase Treasury
14 bills for the account of any individual BLMIS customer,
15 including the defendants here, and that the Trustee is
16 entitled to prejudgment interest have all been previously
17 decided and are all the law of the case here.

18 These arguments have been addressed and decided by
19 this Court and the District Court in at least six other
20 adversary proceedings largely in the Trustee's favor with
21 the courts rejecting defendants' arguments, most recently in
22 Your Honor's decision in the Miller case in July of this
23 year. Further the Second Circuit recently issued an opinion
24 in which it determined that the funds transferred by BLMIS
25 to customers were in fact customer property. Nothing in

1 defendants' briefs here provide any legitimate basis for why
2 Your Honor should deviate from the established law of the
3 case for any of these previously decided issues.

4 Now it's clear to us, Your Honor, from the prior
5 proceedings this morning, that the Court does demand strict
6 compliance with the Federal Rules of Civil Procedure.
7 However, in arguing here that the defendants are -- that the
8 claims against Barbara Keller have been dismissed,
9 defendants are essentially asking the Court to ignore the
10 requirements of Rule 25 as it applies to them while
11 simultaneously insisting that this Court hold the Trustee to
12 the requirements found under that same rule.

13 The plain language of Federal Rule 25 clearly
14 provides that a statement noting death which would trigger
15 the 90-day period to substitute for that deceased defendant
16 must be served on parties as set forth in Rule 5. Rule 5 in
17 turn provides six different mechanisms by which a party can
18 serve that notice of death on other parties, none of which
19 were utilized by the defendants here.

20 Defendants admit as much and their failure to
21 identify the use of any one of these six procedures provided
22 under that rule. Instead, Your Honor, they deflect with a
23 list of actions purportedly taken by the Trustee regarding
24 deceased parties in other unrelated adversary proceedings.
25 What the Trustee did in other adversary proceedings with

1 other defendants does not --

2 THE COURT: Well, let me -- let me just interrupt
3 you because I have a question --

4 MS. CARLISLE: Sure.

5 THE COURT: -- that I need you to answer. And
6 under what theory are Gerald and Barbara Keller liable for
7 these transfers in their individual capacities?

8 MS. CARLISLE: I concede, Your Honor, in their
9 individual capacities, those claims were dismissed. They
10 were sued in their individual capacities as subsequent
11 transferees in this case, and those claims were dismissed by
12 a prior order of the Court. Currently the claims against
13 them are only in their capacity as trustees of the Gerald
14 and Barbara Keller Family Trust.

15 THE COURT: Okay. And so then given Rule 17(b) in
16 New York State on capacity to sue, how is the family trust
17 itself a proper party in this adversary proceeding?

18 MS. CARLISLE: I apologize, Your Honor?

19 THE COURT: Under Rule 17(b) and New York State on
20 capacity to sue, how is the family trust itself a property
21 party in this adversary proceeding? Say that quickly.
22 Proper party in this adversary proceeding.

23 MS. CARLISLE: I apologize, Your Honor. I have
24 not looked at that issue specifically with respect to this
25 motion. I was focused more on the arguments that have been

1 brought by the parties here.

2 THE COURT: Okay. All right.

3 MS. CARLISLE: If you'd like, I can certainly
4 provide supplemental briefing after this.

5 THE COURT: Well, let's -- let me hear the rest of
6 it, and then we'll talk to you.

7 MS. CARLISLE: Okay. Certainly, Your Honor. So
8 as I just mentioned, Federal Rule 25 clearly provides --

9 THE COURT: Well, let me just say, shouldn't it
10 just be the trustees, not the family trust?

11 MS. CARLISLE: Well, I --

12 THE COURT: Because they're the ones that are
13 acting --

14 MS. CARLISLE: On behalf of the trust, Your Honor?

15 THE COURT: Right.

16 MS. CARLISLE: I understand that. I believe
17 because the trust was the account holder, that is the basis,
18 at least factually, with respect to why the trust was
19 included here.

20 THE COURT: Okay. All right. Thank you.

21 MS. CARLISLE: Certainly. So Your Honor, stepping
22 back, Federal Rule 25 clearly provides that a statement
23 noting death must be served in compliance with Rule 5 which
24 defendants did not do here. Rather than pointing, Your
25 Honor, the Court to any actions taken by the defendants,

1 excuse me, in compliance with Rule 5, they deflect the Court
2 with a list of actions purportedly taken by the Trustee in
3 these other adversary proceedings.

4 What the Trustee did in these other adversary
5 proceedings with respect to deceased defendants is not
6 relevant here. It does not provide any evidence of an
7 agreement between these specific defendants and the Trustee
8 nor does it relieve defendants of the obligations set forth
9 under Rule 25.

10 Therefore in this case the 90-day period to
11 substitute for deceased defendant Barbara Keller did not
12 believe until the defendants filed and served, pursuant to
13 Rule 5, their opposition and cross-motion to summary
14 judgment in this matter on August 17th. There is no genuine
15 issue of fact here with respect to Ms. Keller, simply the
16 issue of whether or not defendants complied with the
17 requirements of Rule 25, which they did not do until
18 recently.

19 The only other issue not yet decided by this Court
20 and others is whether or not the BLMIS accountholder here,
21 defendant Gerald and Barbara Keller Family Trust, was a mere
22 conduit rather than the initial -- than the initial
23 transferee and thus is not liable to the Trustee here.

24 As Your Honor is well aware, the Second Circuit
25 uses the dominion and control test to define a transferee as

1 one who has the right to use -- to put money to one's own
2 purpose. The Keller Trust, through its trustee, Gerald
3 Keller, had absolute and unfettered control over the
4 transferred funds, and the fact that the Keller Trust
5 purportedly entered into an agreement to subsequently
6 transfer those funds to Keller International Publishing does
7 not abolish the Keller Trust control over those funds, nor
8 does it shield the Trust from liability in this matter.

9 Gerald Keller, as trustee of the Keller Trust, was
10 at all times free to choose whether to deposit the funds
11 received from BLMIS into the bank account of Keller
12 Publishing, whether to deposit them into another account or
13 to take any other action with regard to the BLMIS check and
14 the funds -- that he chose to deposit them into an account -
15 - excuse me, Your Honor -- that he chose to enter into an
16 agreement with Keller Publishing and whereby he then
17 deposited those funds into an account held by Keller
18 Publishing does not convert the Keller Trust from the
19 initial transferee to a mere conduit.

20 And Your Honor, defendants cite to several cases
21 in support of their argument that, in light of the fact that
22 there was this contractual obligation, that the Keller Trust
23 is a mere conduit. However the cases cited by the
24 defendants are all differentiated from the facts at issue
25 here. In each of those cases, the defendant arguing it was

1 not in fact an initial transferee.

2 In one case, Your Honor, it was merely somebody
3 who employed workers and was given cash to be used to pay
4 those employees. In another case, the defendants at issue
5 were banks that simply received funds on behalf of
6 accountholders.

7 Here however, there is evidence in the record and
8 before Your Honor today in which Mr. Keller testified, first
9 of all, that he was the decisionmaker as to whether or not
10 to withdraw money from The Keller Trust's BLMIS accounts.
11 He also testified that it was "his job to spend the money."

12 In verified interrogatory responses, Your Honor,
13 which are attached as Exhibit 14 to Mr. Cremona's
14 declaration, The Keller Trust responded, stating that it
15 used the funds to pay taxes and, ironically applicable to
16 this argument, it objected to providing any further response
17 to the Trustee as "seeking information about subsequent
18 transfers in this case."

19 Finally, Your Honor, defendants produced
20 declaration of an accountant, Ms. (indiscernible), which is
21 attached as Exhibit AZ to Ms. Chaitman's declaration,
22 asserting that defendants Gerald and Barbara Keller paid
23 taxes on the reported BLMIS income. All of these admissions
24 by defendant demonstrate that each of them had some modicum
25 of control, if not utter and complete control over the funds

1 transferred from The Keller Trust's BLMIS accounts.

2 Finally, Your Honor, the Trustee objects to the
3 documents attached to the declaration of Mr. Irwin Lavine
4 filed on September 13th as inadmissible and ask that those
5 documents, as well as Mr. Levine's statements relying on
6 such documents not be considered by the Court. The two
7 balance sheets that were provided by Mr. Levine are not part
8 of the discovery exchanged in this case. They were never
9 produced by the defendants pursuant to Rule 26 or in
10 response to the Trustee's request for production. Similarly
11 they were not produced by Keller International Publishing in
12 response to the Trustee's subpoena for documents.

13 Discovery in this case has long been closed and is
14 inappropriate for the defendants to attempt to use self-
15 serving declaration such as Mr. Levine's to introduce new
16 facts and documents into the record to support this argument
17 that The Keller Trust was a mere conduit.

18 For these reasons and for all of the reasons set
19 forth in the Trustee's memoranda in support of this motion,
20 the Trustee's motion for summary judgment should be granted
21 and defendants' cross-motion to be denied in its entirety.
22 Thank you, Your Honor.

23 THE COURT: Thank you. Ms. Chaitman?

24 MS. CHAITMAN: Thank you, Your Honor. The reason
25 we put in the supplemental declaration of Mr. Levine is that

1 the Trustee made a disingenuous argument in its papers. The
2 Trustee argued that in his deposition, Mr. Keller did not
3 testify at all about the loan that he had made to Keller
4 Publishing Company.

5 What the Trustee did though is not annex the
6 entire deposition transcript. It only annexed ten pages.
7 And indeed when I asked Ms. Carlisle to provide me with a
8 copy of the complete transcript, she took six days to answer
9 my email and answered that the transcript would have to be
10 purchased.

11 So here they're making an allegation about what
12 Mr. Keller testified without disclosing to the Court the
13 full transcript, which in fact revealed because we've now
14 filed it, it revealed that Ms. Carlisle never asked a single
15 question to Mr. Keller about the relationship between Keller
16 Publishing and the Trust. And now we've put before the
17 Court a complete record of the facts.

18 The loans that were made by Gerald Keller as
19 trustee to the Keller Publishing Company are indisputable.
20 The financial statements of Keller Publishing show those
21 loans. And that's what Mr. Levine's supplemental
22 declaration indicates. So we think that the law is clear
23 here and consistent with what Your Honor held recently in
24 the Stanley Miller case. You held that the IRA custodian
25 was not an initial transferee and I think for very similar

1 reasons here. the law compels a ruling that Mr. Keller was
2 not the initial transferee. Every single withdrawal from
3 the Madoff account was simply endorsed by Mr. Keller and
4 endorsed and deposited into a bank account of Keller
5 Publishing. And inexplicably the Trustee never sued Keller
6 Publishing even though the back of every check, which was in
7 the Trustee's possession, indicated that the depositor was
8 Keller Publishing.

9 As to the other issues, Your Honor, I think that
10 it's very clear that we reached an agreement with the
11 Trustee's counsel early on in these cases. I don't believe
12 it was on the record before Judge Bernstein. But it was in
13 a conversation in Court with Judge Bernstein. And it was
14 agreed that if clients died, it would be sufficient for me
15 to simply send an email to the Trustee's counsel.

16 And next to my certification is a list of the 17
17 cases in which I gave such email notification, and the
18 Trustee then filed the amended -- the motion to amend the
19 caption. Inexplicably in this case, he didn't do so. So I
20 think that for all of these reasons, the motion should be
21 decided in favor of the defendants. Thank you, Your Honor.

22 THE COURT: Any rebuttal?

23 MS. CARLISLE: Certainly, Your Honor, just
24 briefly. First of all, Ms. Chaitman states that there's an
25 agreement between the Trustee and her. However, Your Honor,

1 we're not aware -- counsel for the Trustee and the Trustee
2 himself is not aware of any such agreement. She cannot
3 point to any such agreement on the record, and certainly
4 there is -- without going into too many details about all of
5 the lists here, at least one of these does not follow what
6 she states. In the Bruno Di Giulian matter, Adversary
7 Proceeding 10-4728, the defendants actually refuse to
8 stipulate, Your Honor, to entry of a substitution and
9 require that the Trustee file a motion to substitute in that
10 case and filed motions in response to that. If Your Honor
11 would like, I can certainly provide you with a copy of -- or
12 with the docket entry for that so you can take judicial
13 notice of that.

14 THE COURT: Okay. If it's a judicial -- if it's a
15 docket entry, just give me the docket entry and I can take
16 judicial notice.

17 MS. CARLISLE: Certainly, Your Honor. I
18 apologize. One moment. I'm finding it in my notes. It is
19 in the main case 08-01789, it is Document Number 15979 filed
20 on May 10th of 2017. The adversary proceeding is APN 10-
21 04728, Picard v. Bruno Di Giulian.

22 THE COURT: Very good. Thank you. Very good. I
23 will issue a written decision.

24 MS. CARLISLE: Thank you, Your Honor.

25 MS. CHAITMAN: Thank you, Your Honor.

1 THE COURT: Thank you. Adversary Proceeding 20 --

2 MS. CHAITMAN: I believe --

3 THE COURT: Yes, Ms. Chaitman? I didn't hear you.

4 MS. CHAITMAN: Yeah. I just -- I believe this
5 concludes my involvement in the hearing. But I just would
6 ask that Mr. Cremona confirm that before I hang up.

7 MR. CREMONA: Nicholas Cremona, Baker and
8 Hostetler. I can confirm that that's -- that concludes the
9 need for Ms. Chaitman's participation.

10 MS. CHAITMAN: Okay. Thank you.

11 THE COURT: Very good, Ms. Chaitman. You have a
12 good day.

13 MS. CHAITMAN: You too, Your Honor. Bye.

14 THE COURT: 20-01316, Irving Picard, Trustee for
15 the Liquidation of Bernie L. Madoff Investment Securities v.
16 Rafael Mayer, David Mayer, Montpelier International Ltd.,
17 Prince Assets Ltd., also known as Prince Asset LDC, Prince
18 Resources LDC, Montpelier USA Holdings LLC, Khronos Liquid
19 Opportunities Fund Ltd. and Prince Capital Partners LLC.
20 State your name and affiliation.

21 MR. OLIVER: Good morning, Your Honor. Jason
22 Oliver, Baker & Hostetler, on behalf of the Trustee, Irving
23 Picard.

24 MS. LONGSTAFF: Good morning, Your Honor. Carrie
25 Longstaff, on behalf of the Trustee, Irving Picard, as well.

1 MR. FISHER: Good morning, Your Honor. Eric
2 Fisher, from the Law Firm of Binder & Schwartz, on behalf of
3 individual defendant, Rafael Mayer.

4 MR. STEARNS: Good morning, Your Honor. Eugene
5 Stearns, Carlos Canino and Matt Graham, on behalf of the
6 individual defendant, David Mayer.

7 THE COURT: I'm sorry --

8 MR. WALTER: Good morning, Your Honor.

9 THE COURT: -- what is the individual defendant,
10 Mr. Stern?

11 MR. STEARNS: Your Honor, the individual defendant
12 is David Mayer.

13 THE COURT: Thank you. I thought that's what you
14 said. I just didn't hear you clearly.

15 MR. STEARNS: And I didn't indicate my firm, David
16 Stearns Weaver Miller, and we're in Miami, Florida, Your
17 Honor.

18 THE COURT: Thank you.

19 MR. ALTER: Good morning, Your Honor. I'm Daniel
20 Alter, with the Yankwitt firm. We represent the Khronos
21 Liquid Opportunities Fund defendant.

22 THE COURT: Very good.

23 MR. TABAK: Good morning, Your Honor. Daniel
24 Tabak, with Cohen & Gresser. We represent Prince Resources
25 LDC and Prince Capital Partners LLC.

1 THE COURT: Very good. And this is your motion to
2 dismiss.

3 MR. FISHER: That's right, Your Honor. Eric
4 Fisher, on behalf of Rafael Mayer. I spoke with Trustee's
5 counsel before today's hearing and with all other defense
6 counsel. And with the Court's permission, we've agreed that
7 Rafael Mayer will proceed first with argument on his motion.

8 THE COURT: Very good. Thank you. If you would
9 just give me a moment to get to my notes on this. Very
10 good. Go ahead, please.

11 MR. FISHER: Thank you, Your Honor. I appreciate
12 that the Court has read the papers. And so I want to use my
13 argument time to really just focus on a few salient points
14 that I think are very important in considering this case
15 from the perspective of defendant Rafael Mayer.

16 And the first point I want to make is that this
17 is, as the Court just heard in the status conference, one of
18 80 subsequent transfer cases. But this case is like none
19 other because 79 of those other subsequent transfer cases
20 were filed between 2010 and 2012. This case was commenced
21 eight years later, eight years after the last subsequent
22 transfer case in November 2020 and it seeks to recover
23 transfers that happened 13 years earlier in 2007 and 2008.

24 And, Your Honor, we respectfully submit that many
25 of the difficulties that the Trustee has encountered that

1 have caused the Trustee to rely on what I'll characterize as
2 hyper-aggressive, meritless theories of liability are a
3 result of the Trustee's extreme delay here. And it is
4 working a truly brutal unfairness on Mr. Rafael Mayer as an
5 individual defendant. That's the first point I wanted to
6 make.

7 The second point, Your Honor, is that Rafael Mayer
8 is not alleged to have gotten a single transfer. That is
9 not in dispute. So this is not really a Section 550
10 subsequent transfer case as to Rafael Mayer. It's something
11 entirely different. And what it is, is an alter ego claim
12 that arises under Bermuda and Delaware law.

13 And I now want to shift and focus very directly on
14 that alter ego claim because that's all there is as to
15 Rafael Mayer. There's no allegation that he received any
16 subsequent transfer or indeed no allegation that he received
17 any personal benefit in the entire complaint, not one.

18 So shifting to the alter ego theory itself, Your
19 Honor, as appendices to Rafael Mayer's reply brief, we
20 included two diagrams, Appendix A and Appendix B. And we
21 included those to really try to simplify the allegations in
22 the complaint and present them fairly. And what the Court
23 will find there is based entirely on allegations in the
24 complaint. And the timeline and the diagram of the entities
25 illustrates a few really important things.

1 First of all, when the Court looks at those
2 diagrams, so I'm referring here to Appendix B, you will see
3 that as to Rafael Mayer, as I said, all of the relevant
4 transfers happened in 2007 and 2008 between and among
5 various entities. And then those -- three of those
6 defendant entities -- so I'm talking here about Montpelier
7 -- it's Montpelier International, but it's defined in the
8 briefing as Montpelier, Khronos Group and Montpelier USA,
9 those were dissolved in 2017. Two of them are Bermuda
10 entities that were dissolved under Bermuda law. One of them
11 is a Delaware that was dissolved and liquidated under
12 Delaware law.

13 And in essence, because those entities don't exist
14 anymore and haven't existed since 2017, the Trustee is
15 looking for someone else to hold liable. And so he's come
16 up with this notion that Rafael Mayer should be held
17 individually liable for each of those three entities. Why?
18 Essentially because he served as the liquidator for those
19 entities. And the Trustee does not cite any case in which a
20 liquidator of a Bermuda entity or a liquidator of a Delaware
21 entity are held liable by virtue of having served in that
22 role of liquidator.

23 Your Honor, I want to turn quickly to the choice
24 of law question because I think it's important here,
25 although not dispositive. I think that these claims are so

1 aggressive and out of bounds that they fail under any
2 applicable law. They fail under Bermuda law, they fail
3 under Delaware law and they fail under New York law which is
4 really the only law that the Trustee argues.

5 But the Trustee should not be arguing New York
6 because this is not a subtle choice of law question. There
7 are not a lot of different considerations to look at in
8 figuring out what law applies. Essentially what the Trustee
9 contends Rafael Mayer did that was a "wrongful act" was that
10 he served as a liquidator for entities that liquidated under
11 foreign law, Bermuda law and Delaware law. And there's just
12 no question that the liquidation of a company under the laws
13 that govern that company have to be governed by those
14 relevant local laws. And the Trustee does not cite any
15 cases to the contrary.

16 Yes, there are cases where if there are an
17 overriding number of contacts or interests with New York,
18 maybe that can override what is the internal affairs
19 doctrine and the notion that a company's liquidation should
20 be governed by its own laws. But that's not true in the
21 case of a liquidation. And the Trustee cites no case to the
22 controversy -- to the contrary. And so under Bermuda law,
23 there's just no way that the Trustee can ever hold Rafael
24 Mayer liable individually. We put in a foreign law
25 declaration in connection with our papers. It wasn't

1 rebutted. The Trustee barely argues Bermuda law at all.

2 And the reason that the claims fail under Bermuda
3 law, and I should say really fail under UK law -- I know
4 David Mayer who will be arguing after me, the relevant
5 entity is a Cayman entity. But it's the same principle
6 because they all follow UK law. And under UK law, there
7 isn't a doctrine of alter ego liability at all.

8 The closest you get is something called piercing
9 the corporate veil, which of course is a concept we're
10 familiar with here as well. But in order to pierce the
11 corporate veil, you have to have an individual who's liable,
12 and then the individual has to create a company that the
13 individual interposes between the individual and the
14 liability to try to evade the liability.

15 That's the only way to pierce the corporate veil
16 under UK law. I'm of course simplifying it, and it's all
17 there in our papers. But that's why you can see that, as a
18 matter of law, this can't possibly succeed because, as I
19 said at the outset, there is no individual liability alleged
20 as to Rafael Mayer. And these companies existed before. So
21 they just can't possibly satisfy any of the elements under
22 Bermuda law.

23 Under Delaware law, and here I'm only talking
24 about one of the entities, Montpelier USA that dissolved
25 under Delaware law, they would need to be able to allege

1 that the owner and entity operated as a single economic
2 entity to work an injustice. And again there is no
3 allegation of fact that involves anything to suggest that
4 these entities operated as single economic entities. Quite
5 to the contrary, the complaint is able to be very specific
6 about transfers from one entity to another to another. Why?
7 Because they had separate bank accounts. They kept separate
8 records, all of which has been produced to the Trustee.

9 In paragraph 81 of the complaint, the Court will
10 find a helpful chart that the Trustee provides that shows
11 that each of these entities had their own directors,
12 officers, shareholders. They had a common investment
13 manager in Khronos LLC. But there's no claim that there was
14 any disregard of any of those forums in connection with the
15 decision to engage in these various liquidations ten years
16 after the transfers at issue.

17 And I should add, Your Honor, that in 2017 when
18 these entities dissolved, there was no pending litigation
19 against them and there was no threat of litigation against
20 them. The Trustee had never so much as sent a letter
21 saying, oh, you know, we think we might have claims some day
22 against these entities.

23 The complaint also alleges, and this is
24 illustrated in the timeline that the Court will find in
25 Appendix A, that the -- this liquidation process for the

1 Montpellier entities began in 2009 and only concluded in
2 2017. So the Trustee's complaint tries very unfairly to
3 paint a picture of some kind of shell game that's going on
4 when that's not at all what's going on.

5 And what's crystal clear from the allegations in
6 the complaint itself is that these are investment funds that
7 suffered losses in Madoff and lots of other losses as a
8 result of the financial crisis of 2008 and 2009 and engaged
9 in a ten-year process to wind down their funds, during which
10 time they were not threatened with suit.

11 And now the Trustee comes forward in 2020 and
12 decides that he wants to sue them. But they don't exist
13 anymore. So he's looking to individuals to try to hold them
14 personally liable when, as I said at the outset, really the
15 Trustee has only himself to blame here for this extreme
16 delay.

17 Your Honor, I want to very quickly -- I appreciate
18 the Court's indulgence. I know it's been a long morning.
19 But I want to very quickly touch on New York law which is
20 what the Trustee says applies here. And as I said, it just
21 doesn't. It doesn't. Khronos LLC is an investment manager
22 that managed these funds, and yes, Khronos LLC is based on
23 New York. But what we're talking about here are foreign
24 liquidations, and the Trustee does not cite a single case
25 that could possibly suggest that New York law should apply

1 to a foreign liquidation and New York law should apply to
2 decide whether a foreign liquidation rises to the level of
3 creating alter ego liability.

4 But the reason anyway that under law the claim
5 against Rafael Mayer has to fail as a matter of law, and the
6 Court doesn't need to look any further than the case that is
7 sort of the Trustee's favorite case. The Trustee cites
8 Picard v. Magnify throughout the Trustee's brief. And that
9 case says very clearly that if you want to create alter ego
10 -- a viable claim for alter ego liability under New York
11 law, you need to show that the corporate forum had been
12 disregarded at the time of the transaction that's being
13 challenged.

14 The precise language, it's at page 848 of that
15 decision. The misuse of the corporate forum must occur "at
16 the time of the transaction in question." The transaction
17 in question here, Your Honor, are transfers that happened in
18 2007 and 2008. The alleged wrongful conduct are
19 liquidations that happened in 2017. There is no allegation
20 of wrongful conduct at the time of the transaction in
21 question. There are lots of other reasons. You could look
22 at the multifactor test. But you don't need to because
23 there's a really simply reason why this cannot ever succeed
24 under New York law.

25 Really my last point, Your Honor, is that the

1 Trustee sort of suggests that he should have been given
2 specific notice of these liquidations when they occurred in
3 2017. So first of all, there's no dispute that these
4 liquidations did occur in accordance with Bermuda and
5 Delaware law and that public notice was provided, as
6 required, right? These liquidations were published in the
7 newspaper. And the Trustee is basically saying, well, why
8 didn't you give us specific notice.

9 So first of all, those are questions governed by
10 foreign law. And in fact, we cite in our papers the Trustee
11 conceding to Judge Bernstein that questions of foreign
12 liquidation as regards these transferees ought to be
13 governed by foreign law.

14 But even so, let's just say for the sake of
15 argument that a trustee who had not threatened a claim
16 against these entities, had not sued these entities was
17 somehow entitled to specific notice, as if the Trustee could
18 imagine that we would call them up and say, you know, it's
19 been about ten years. And do you think you might want to
20 sue us some day? Because if so, we want to make sure you
21 know that we're completing a liquidation that we started in
22 2008.

23 I mean, it's just -- talk about implausible, which
24 of course is the touchstone for pleading standards here. it
25 just makes no sense. And even if it were true, even if it

1 were true that they were entitled to specific notice, that
2 can't possibly be the basis for holding an individual liable
3 on an alter ego theory. If they have remedy -- if anything
4 wrong happened, and nothing did, the remedies lie in Bermuda
5 or Delaware. They can try to reconstitute the entity. They
6 can see what remedies they have.

7 But to jump from that to the idea that an
8 individual is going to be held personally liable for this
9 massive alleged liability is really, as I said at the
10 outset, brutally unfair. The fact that an individual has
11 been sued in this case is personally devastating. It hurts
12 his reputation. It makes it impossible for him to go on
13 with his business. And there are truly compelling grounds
14 here, Your Honor, for the claims against Rafael Mayer
15 individually to be dismissed definitively. That means with
16 prejudice, without leave to replead.

17 Having him in the case, having these personal
18 issues in the case just complicates the case. And this is a
19 case that if it's going to go forward, it really needs to be
20 cleaned up before it does, and it needs to be a case that
21 goes forward in a commercially sensible way. And that's not
22 the way the case is currently set up.

23 Unless the Court has questions, I have nothing
24 further on behalf of Mr. Mayer.

25 THE COURT: I do not. Next, I think you all have

1 a way that you all want to argue these.

2 MR. STEARNS: We did, Your Honor, by agreement.

3 And I'm Gene Stearns, of Stearns Weaver Miller. And Your
4 Honor, I was told by your clerk's office that I need to ask
5 to share a screen, be co-host for purposes of sharing the
6 screen and, if so --

7 THE COURT: And for what purpose --

8 MR. OLIVER: Your Honor, I apologize. This is
9 Jason Oliver, on behalf of the Trustee. The Trustee would
10 like to respond to Mr. Fisher's argument on the motion to
11 dismiss filed by Rafael Mayer.

12 MR. STEARNS: If I may, Your Honor, my argument is
13 going to be brief and it's going to be consistent with Mr.
14 Fisher's argument and it makes it --

15 THE COURT: I think we're going to hold and let
16 you respond at the end because some of it will be redundant,
17 I'm sure. But what do you want to share on the screen?

18 MR. STEARNS: I just have just a brief
19 presentation that I think will -- I'm going over what's in
20 their complaint, and I believe it's useful to see it. So
21 it's just a very brief presentation that I think you'll find
22 useful, Your Honor. And I think our host screen would be
23 Stearns --

24 THE COURT: Well, wait. Wait, wait, wait. I
25 still want to know what you're going to show me.

1 MR. STEARNS: This is a PowerPoint presentation
2 that's just very brief, one slide with -- which lays out the
3 allegations in the complaint.

4 THE COURT: Okay. You're on the co-host. But you
5 can just point us to -- you can just point us to the
6 complaint.

7 MR. STEARNS: The co-host --

8 THE COURT: You're on there.

9 MR. STEARNS: The co-host needs to be Stearns
10 Weaver share screen, not me personally, Your Honor. Your
11 clerk that can find it, the Stearns Weaver share screen.

12 THE COURT: Whatever you sent us is what we gave
13 you as co-host.

14 MR. STEARNS: Okay.

15 THE COURT: We did Stearns Weaver.

16 MR. STEARNS: Share screen.

17 THE COURT: We did it when you started speaking.

18 MR. STEARNS: One second, Your Honor. Okay. Got
19 it? I'm sorry, Your Honor. We're not the co-host? I can't
20 do it because it's got to be -- it's got to be Stearns
21 Weaver share screen, Your Honor. It shows up on the top,
22 screen share. Stearns Weaver screen share.

23 THE COURT: We see it as Stearns Weaver screen
24 share. That's what we see from our position.

25 MR. STEARNS: Okay. Try it. Okay. It says it's

1 disabled. Okay. So let me -- I'll do it without the
2 PowerPoint. So let's go forward.

3 THE COURT: Hold on. We're trying to see it.

4 MR. STEARNS: Well, I'm just not going to use it,
5 Your Honor. I apologize for --

6 THE COURT: We have -- we have -- I guess that's
7 it. We have you as the host.

8 MR. STEARNS: Okay. Let's try to get Stearns
9 Weaver screen share.

10 THE COURT: No. It's the wrong one. We have you
11 individually.

12 MR. STEARNS: Okay. All right. Well, I'll
13 proceed without it, Your Honor. First, let's be clear. I
14 want to adopt absolutely what Mr. Fisher said because it
15 applies to David Mayer as well. But it's --

16 THE COURT: Can you -- can you see if you can
17 share it?

18 MR. STEARNS: Yes. Go ahead. See if it will
19 work. It doesn't? There we go.

20 THE COURT: We've got it.

21 MR. STEARNS: There we go. And it's very brief,
22 Your Honor, and I think you'll -- I think it's helpful
23 because -- the reason I think it's helpful is because the
24 names are confusing. And they're unusual names. And what
25 you'll see in the Trustee's complaint -- and I don't -- I

1 wouldn't accuse them of continuing to repeat the same
2 transactions over and over again to create an impression
3 that there are multiple transactions. But as to David
4 Mayer, the transactions are very few.

5 First, the allegation in the complaint in
6 paragraph 11 is he's an individual who resides in Santa Ana,
7 Costa Rica. The Prince Resources, one of the defendants in
8 this matter, is organized under the laws of the Cayman
9 Islands.

10 Prince LDC, which is referred to in the complaint
11 as the dissolved entity in 2019 which Mr. Mayer had a
12 relationship with, which is all organized and dissolved
13 under the laws of the Cayman Islands. Prince Capital is a
14 Delaware company that's managed in Florida. Prince LDC,
15 paragraph 61, allegedly received \$10 million of fictitious
16 profits from Legacy -- Legacy is of course the judgment
17 debtor -- on June 6, 2008.

18 The allegations in the complaint in paragraph 66
19 are between June 13, 2008 and March 9, 2009, Prince
20 transferred the entire \$10 million to Prince Resources in a
21 series of transactions. So in that period of June '08 to
22 March '09, all of the money that's allegedly the fictitious
23 profits occurred -- was transferred in that time period.
24 Between July 11, 2008 and March 20, 2009, Prince Resources
25 transferred a portion of the \$10 million, \$7,250,000,

1 roughly -- a little more than 72 percent, of the \$10 million
2 was transferred to Prince Capital.

3 David Mayer was the director of Prince LDC and
4 Prince Resources, alleged in paragraph 81. David Mayer was
5 the liquidator of Prince LDC on April 15, 2019, ten years
6 after the transfers in question. And the single complaint
7 alleged against David Mayer is that Prince received \$10
8 million of fictitious profits in '08, transferred \$10
9 million to Prince Resources in '08 and '09, followed by
10 Prince Resources transferring \$7,250,000 to Prince Capital
11 in '08 and '09.

12 And those entities, Prince Resources and Prince
13 Capital, are defendants in this litigation. And all the
14 subsequent transfers to Prince Resources, Prince Capital,
15 all occurred ten years prior to the dissolution in the Grand
16 Cayman. And the only claim against David Mayer is that he
17 is the alter ego of Prince. There is no allegation that he
18 is a transferee and no allegation of fraud.

19 Your Honor, it is difficult -- I mean, and so
20 we're perfectly clear here, the law in this jurisdiction
21 could not be more clear that there is no claim for assisting
22 a fraudulent transfer. The case we cited is Klein v.
23 Tabatchnick, 459 F. Supp. 707 (S.D.N.Y 1978), and adopted by
24 reference in Klein v. Tabatchnick, 610 F.2d 1043 in the
25 Second Circuit in 1979. And all the cases have adopted

1 that. Uniformly the theory is you -- it's a transferee map,
2 that you follow the money. You don't have a civil action
3 for allegedly aiding and abetting or causing someone to
4 obtain a transfer. That law just is crystal clear.

5 So now look at what the Trustee filed in this
6 case. Suing David Mayer, a citizen of Costa Rica, a day or
7 two prior to the expiration of the statute of limitations,
8 alleging that the thing he did wrong, which they
9 acknowledged in their reply brief was not a fraud, that he
10 received no transfer himself and alleged no benefit that he
11 received for himself. But somehow he's liable for a
12 dissolution of an entity that ten years earlier transferred
13 the money that allegedly came from Madoff into the funds in
14 which he had back ten years earlier some responsibility.

15 Now this, you know, the Trustee has had an
16 enormous run of success in the Madoff litigation. No one
17 can quarrel with that. But, you know, he has shot and made
18 great claims. He's collected a lot of money for victims.
19 But at some point, you begin to believe that everything you
20 do is right, that you don't have to worry about doing
21 something that's just wrong. But to sue David Mayer
22 individually to create what we would call, at least in this
23 jurisdiction, a designer claim, one that is not recognized
24 by the law, but one that's attempting to get around the law
25 because the law -- if you read his complaint, all it seems

1 to allege is somehow or another there's some aiding and
2 abetting liability when in reality the law doesn't permit
3 it. And when it comes down to the end, the claim that they
4 hang their hat on is a dissolution in 2019, ten years after
5 the money that allegedly came from Madoff to other entities
6 that are defendants in this case. By the way, it's not
7 alleged that the defendants in this case can't respond to a
8 judgment until they get to their papers. And in their
9 papers, now in their response to the motion to dismiss, they
10 say, oh, this was intended to avoid a solvency claim. It
11 was intended to move the money beyond the reach of the
12 Trustee. That is not in their allegations in their
13 complaint.

14 This, respectfully, Your Honor, I'll reiterate
15 what Mr. Fisher said, that individuals being brought into
16 these cases that had no involvement in the cases in terms of
17 receiving transferred money, this causes enormous pain and
18 anguish and personal responsibility, personal harm. And to
19 just throw a claim like this against the wall is
20 particularly outrageous. And, Your Honor, respectfully,
21 this claim needs to be dismissed.

22 THE COURT: Thank you. Would you please give up
23 cohosting responsibilities so we can take it back?

24 MR. STEARNS: Yes, of course. Okay.

25 THE COURT: And again, I'll let the Trustee at the

1 end. Who else is next? You're on mute. You're on mute.

2 You're on mute. You're on mute.

3 MR. ALTER: I apologize. Good morning, Your
4 Honor. This is Daniel Alter, on behalf of Khronos Liquid
5 Opportunities Fund. And I seem to be the caboose in a very
6 long train of claims here. And, you know, Your Honor,
7 that's pretty consistent with the way the Trustee has
8 treated KLOF in its own pleadings, most demonstrated in the
9 fact that in several of the most operative allegations of
10 the complaint, the Trustee has left out KLOF entirely. And
11 I think I can explain why.

12 Unless the Court has any questions about the
13 jurisdictional issues we've raised, I would happily rest on
14 our papers and instead really focus on the complaint itself,
15 the allegations that have been made, a total of six
16 allegations in a 28-page complaint. And I could walk the
17 Court, if Your Honor would allow it, through each allegation
18 quickly and demonstrate exactly why it fails to state a
19 claim.

20 THE COURT: But did you do that in your papers?

21 MR. ALTER: Yes, I did. But I think I can make
22 some added comments here because, you know, Your Honor --

23 THE COURT: As long as you don't repeat yourself.

24 MR. ALTER: I certainly will try not to. In
25 paragraph 61, Your Honor, that's the base paragraph by which

1 the Trustee alleges that Legacy transferred \$50 million in
2 customer property to Montpelier Resources. Fair enough.
3 That's the initial transfer. Actually it's the second
4 transfer. In March of 2019, two years later, Montpelier
5 becomes what's known as a Bermuda segregated company. And
6 this is where it gets tricky for the Trustee because the
7 company divides all of its assets into two accounts, a
8 distribution account and a continuing account. But nowhere
9 in the complaint is there an allegation that explains
10 whether or not Legacy funds are included in one or both of
11 those accounts. We simply don't know where the Legacy
12 property is.

13 If you move on to paragraph 92, there's some
14 mechanical things. Montpelier changes its name to Khronos
15 Group. The continuing account changes its name to the
16 liquid opportunities segregated account. But we know that
17 the distribution account is still in existence and still
18 there's no clarity as to whether the Legacy funds are in
19 either account.

20 Now in paragraph 93, in 2011, two years later,
21 KLOF is formed as a Cayman Islands company, and the Khronos
22 Group transfers allegedly approximately \$109 million from
23 the Khronos Group continuing account to KLOF. Again we
24 don't know what that money compromises, what constitutes
25 that \$109 million, if it has any Legacy funds. Now we get

1 to paragraph 94 and this is the touchstone of the Trustee's
2 complaint. This is the fudge factor. And it says after
3 July 2011, which is four years after the Legacy transfer to
4 Montpelier, KLOF allegedly succeeded and took over for
5 Khronos Group.

6 Now what this is, Your Honor, is an effort to
7 connect KLOF with the Legacy funds. And that is an effort
8 because they have to somehow avoid the vacuum of information
9 created by the segregated account structure. But there's
10 two problems with this key -- at least two problems with
11 this key allegation which the whole claim rests on. And the
12 first is it's conclusory. You know, it's not well pleaded.
13 We don't know what that means. There are no factual
14 supports for it.

15 So that in and of itself can't support a cause of
16 action. But even more importantly, Your Honor, that
17 allegation is false and is contradicted by the complaint
18 itself because if you look at paragraph 104, the Trustee
19 alleges that in September 2007 -- that's six years after
20 KLOF is formed and supposedly took over for Khronos Group,
21 the Trustee alleges that Khronos Group is liquidated and
22 dissolved in Bermuda.

23 So the complaint admits that these two corporate
24 entities coexisted for no less than six years. In other
25 words, KLOF did not take over and succeed to the Khronos

1 Group. It was a separate entity and it can't fudge the fact
2 -- when I say it, I mean the Trustee can't fudge the fact
3 that it can't follow the Legacy funds into KLOF. And that's
4 no small thing. I mean, that's the fundamental element to a
5 Section 550 claim.

6 And you know, it's not really too -- when they're
7 being sued for at least \$50 million, it's not too much to
8 demand that the plaintiff allege that it actually received
9 the money. We have no such allegation here. We have an
10 allegation which is factually incorrect and entirely
11 conclusory that somehow KLOF succeeded to and took over
12 arguably what they're saying the liability of Khronos Group
13 was. But they don't plead the underlying facts. There's
14 nothing to support those barebones conclusions, that bald
15 assertion as some in the case referred to.

16 So Your Honor, my argument really isn't much more
17 complicated than that. Six allegations that go to the
18 liability of KLOF and they don't connect KLOF with customer
19 money that came from Legacy, plain and simple. I don't want
20 to burden the Court anymore with that because I think it
21 plainly makes our defense. So if Your Honor has no further
22 questions, I'd be happy to rest.

23 THE COURT: Thank you. I do not. Anyone else
24 wish to be heard on the motion to dismiss the filing of the
25 motion? Very good. Trustee?

1 MR. OLIVER: Thank you, Your Honor. Jason Oliver,
2 Baker Hostetler, on behalf of the Trustee. And I will be
3 speaking in response to the motions to dismiss filed by Mr.
4 Rafael Mayer and Mr. David Mayer, and my colleague, Ms.
5 Carrie Longstaff, will be speaking as to the motion to
6 dismiss filed by Khronos Liquid Opportunities Fund.

7 THE COURT: Very good. Thank you.

8 MR. OLIVER: So to begin, it's not unsurprising
9 that neither Mr. Fisher nor Mr. Stearns make any reference
10 of what happens with respect to the Mayers and Khronos even
11 before the subsequent transfers in this case were made.
12 And, you know, as Your Honor is aware, the Second Circuit on
13 August 30th overturned the good faith standard, and in so
14 doing summarized the Trustee's amended complaint in the
15 Legacy Capital adversary proceeding and at the same time
16 vacated Judge Bernstein's findings on that motion to
17 dismiss.

18 In the Trustee's view, the Second Circuit's
19 summary of the facts alleged in the amended complaint in the
20 Legacy Capital adversary proceeding show a plausible abuse
21 of the corporate forum with respect to the Mayers' actions
22 and Khronos LLC.

23 For background, both the Mayers are mentioned in
24 the Legacy Capital complaint. The Trustee has incorporated
25 by reference and, in some instances, specifically re-pled

1 allegations in the Legacy Capital amended complaint. And in
2 the summary the Second Circuit put forth, on page five of
3 their opinion, they do talk about the fact that Legacy,
4 which was controlled by Jimmy Mayer and Rafael Mayer, hired
5 Khronos LLC upon suspicions raised by Renaissance
6 Technologies regarding risks of fraud with respect to Madoff
7 and the Legacy BLMIS investigation. They hired Khronos LLC
8 to do an investigation of those concerns which confirmed
9 those concerns. And Khronos LLC, from its founding in 2001,
10 was comanaged and cofounded by managing partners David Mayer
11 and Rafael Mayer, and both of those individuals are
12 mentioned in the Second Circuit opinion.

13 The Second Circuit opinion goes on to cite the
14 Legacy Capital amended complaint to note that Rafael Mayer
15 was a member of the oversight committee for Meritage. The
16 oversight committee was responsible for looking into the --
17 all the investments of the Meritage fund, which included the
18 BLMIS Legacy investment. And Mr. Rafael Mayer was the only
19 member of that oversight committee that objected to the
20 Meritage oversight committee's decision to redeem from the
21 Legacy Capital investment from BLMIS.

22 As a result, Mr. Mayer and Khronos LLC, which was
23 controlled by both David and Rafael Mayer, confirmed the
24 suspicions of the Renaissance report and the time was used
25 for Mr. Rafael Mayer to go out and essentially purchase the

1 second half of the investment that was remaining that
2 Renaissance and Meritage had not yet redeemed. And he found
3 a purchaser and obtained a loan from BNP Paribas Dublin -
4 Dublin Branch to satisfy that portion of the investment.

5 So with that backdrop, the Trustee is not simply,
6 as I hope Your Honor can appreciate from our papers,
7 complaining about liquidations that occurred in 2017 and
8 2019. The Trustee is looking at the actions of the Mayers
9 and their controlling powers over Khronos Group, which was
10 the investment advisor of each and every recipient of
11 subsequent transfers in our recovery complaint that's before
12 the Court and looking at the actions that the Mayers took
13 both individually and in conjunction with their roles as
14 managing directors of Khronos that was, in our view, as Mr.
15 Fisher put it, a shell game to funnel away money and
16 frustrate the Trustee's purpose of recovery for the victims
17 of the BLMIS estate.

18 Mr. Fisher and Mr. Stearns also talked about a
19 ten-year period of time where the Trustee did not advise
20 either by letter, email or complaint that there could be the
21 potential that we would be bringing subsequent transfer
22 claims against these particular entities.

23 And I'll respectfully point to the fact that under
24 Section 550(f) of the Bankruptcy Code, there is no
25 requirement for the Trustee to bring an action to seek

1 subsequent transfers until within a one-year period of
2 avoidance. I don't believe that there was a discussion at
3 length in Mr. Fisher's presentation.

4 But Legacy Capital in the underlying proceeding
5 did agree to a judgment of \$79.5 million which did, in the
6 final judgment, seek to avoid the initial transfers. So
7 from November of 2019, those transfers were avoided and that
8 started the clocks that required the Trustee to file the
9 subsequent transfer action which we did within that
10 statutory time period.

11 I'd like to next turn to the choice of law that
12 both counsel raised, unless Your Honor has any questions.

13 THE COURT: No. Please go ahead.

14 MR. OLIVER: Okay. Thank you. The Trustee has
15 taken the position that New York law governs the substantive
16 issues of alter ego law in this particular case. The
17 Trustee has cited the Picard v. Magnify decision, 583 B.R.
18 829 (Bank. S.D.N.Y. 2018), for the proposition that the
19 internal affairs doctrine and reliance on the place of
20 incorporation of an alleged defendant in the alter ego
21 context is a rebuttable presumption.

22 We've also cited Judge Bernstein's decision in
23 Magnify to point out that in that particular case the judge
24 took particular note of the unique injury to the Trustee who
25 stands in the shoes of the BLMIS victims, all of them, and

1 that the specific injury in that case was to a third party,
2 not a creditor or shareholder or other related entity to the
3 defendant that was dissolved.

4 The Mayers essentially, in both of their replies
5 and opening papers, ignore all case law that the Trustee has
6 cited on pages 17 and 19 of our opposition brief that
7 showcases both in the alter ego context and other commercial
8 contexts where the presumption was rebutted when the control
9 over the entities and the specific actions complained of
10 occurred and had greatest contacts with New York.

11 So in this case, it's our position that New York
12 law should be applied by Your Honor because Khronos LLC, as
13 I identified at the outset, is a New York-based investment
14 manager for all the subsequent transferees. And Rafael
15 Mayer and David Mayer, as we know, were both the managing
16 principals of Khronos.

17 During the time at issue that the subsequent
18 transfers were made in this complaint, Montpellier Khronos
19 Group, Montpellier USA and Prince Investment Funds were all
20 run out of New York through Khronos with Khronos directing
21 the day-to-day investments. So the day-to-day business was
22 run from New York and the investment decisions were all made
23 by the Mayers that related to the Legacy Capital investment
24 and the subsequent transferees.

25 Beginning in 2016, Prince Assets LDC was managed

1 by Prince Capital, which is another Mayer entity that was
2 formerly wholly owned -- who was a formerly wholly owned
3 subsidiary of Khronos LLC, which in turn conducted business
4 in New York through Khronos LLC's New York office, citing to
5 paragraph 15 and 112 to 114 of our complaint.

6 So, you know, using Magnify as a backdrop, here
7 the alter ego defendants, Rafael Mayer and David Mayer,
8 didn't even have to come to New York at the time for a
9 handful of meetings. They were here. they were conducting
10 day-to-day business as the investment manager for all of
11 these subsequent transfers -- subsequent transferee
12 recipients.

13 BLMIS, as Your Honor is aware, is a New York
14 debtor. And as I mentioned before, the injury in this case
15 results to third parties. You know, these are Rafael Mayer
16 and David Mayer, we've alleged rendered judgment-proof, the
17 foreign companies that they managed benefited their families
18 and friends to redeem their shares at the expense of BLMIS
19 defrauded customers. So therefore the location of the
20 injury is the location of the BLMIS defrauded customers,
21 states and victims, not the place of incorporation.

22 The individual defendant location activities,
23 Rafael Mayer is and was a New York citizen. David Mayer at
24 some point, you know, moved to Costa Rica. But he was a
25 managing director of Khronos LLC through February 2016

1 conducting day-to-day business in New York.

2 Another glaring omission from both Mayer
3 defendants' arguments today is that the Trustee in 2010 sent
4 Rule 2004 subpoenas to both David Mayer and Rafael Mayer as
5 individuals. And we received in response -- I'm sorry.
6 that was in July of 2010. We received in response a joint
7 document production from the Mayers which basically
8 identified the subsequent transfers to Montpelier and
9 Prince, what we'll call the initial level subsequent
10 transfers, which are sought in this complaint.

11 So at that time, the Mayers were clearly aware
12 that there were subsequent transfers to Montpelier and
13 Prince, at a minimum. And as we see later in 2020, we get a
14 separate Rule 2004 production, this time from Khronos LLC,
15 that shows that there are second level and third level
16 subsequent transfers.

17 So we also talk about in our complaint that the
18 Mayers had a plan of reorganization. And in the Trustee's
19 pleading, we see in August of 2010, right after the Mayers
20 received the Rule 2004 subpoena from Khronos -- excuse me,
21 right after the Trustee received the 2004 subpoena from the
22 Trustee, we see that Khronos and the Mayers planned to
23 dismantle the Montpelier Group.

24 And the focus of this restructuring on the
25 Montpelier side of the equation is that all of het assets

1 in the funds included in Khronos Group are going to be
2 transferred to a new fund called Khronos Liquid
3 Opportunities Fund, as Mr. Alter referred to as KLOF, which
4 is owned and controlled in its totality by Khronos LLC, and
5 citing to paragraph 72 and 79 of our complaint and also
6 paragraph 99. So these are essentially a new entity that's
7 created by the Mayers that's wholly controlled and owned by
8 Khronos LLC, again a Mayer entity run out of New York.

9 The only arguments that the Mayers essentially
10 make concerning application of Bermuda or Caymanian law as
11 to an alter ego analysis are non-persuasive for the
12 following reasons. The facts just simply support foreign
13 law in this case. The only real argument that we're seeing
14 regarding the application of foreign law is the place of
15 incorporation and the place of filing foreign dissolution
16 documents. That's it. I mean, even a New York address is
17 used by Rafael Mayer on the dissolution documents that we
18 found filed in Bermuda. There's no allegation that the --
19 or there's no argument that the bank accounts related to
20 these subsequent transfers are in the place of incorporation
21 because they're not.

22 Defendants also here are exempt entities in both
23 Bermuda and the Cayman Islands. You know, while not
24 dispositive, this fact, in our view, significantly reduces
25 the interest of the chartering jurisdictions. So

1 Montpelier International, Khronos Group, which was formerly
2 Montpelier Resources and Prince Assets LDC, these are all
3 exempt entities under foreign law.

4 The Mayers also talked about whether or not the
5 real issue here is a dissolution under foreign law and the
6 Trustee's complaint regarding whether or not that was
7 proper. And the Mayers cite certain cases on page seven of
8 their reply brief for David Mayer and pages nine to ten for
9 Rafael Mayer reply brief. But in all those cases, the
10 remedy sought was that a dissolution was going to be brought
11 in a foreign insolvency hearing

12 Here, the Mayers have gone ahead and dissolved the
13 corporations. There's no foreign insolvency proceeding.
14 There's no request for dissolution or shareholder
15 restrictions coming out of a dissolution because simply the
16 companies are resolved and there's no more entity to sue.

17 For those purposes, we think New York law should
18 govern. And then moving on, specifically under New York
19 law, the requirements -- and I'll pause for a second. The
20 Mayers are essentially in our view arguing a motion for
21 summary judgment at this phase. We are here today on a
22 motion to dismiss to make sure that the claims are properly
23 pled and that we have the elements met for each claim.
24 We're not looking to prejudge the result here. And as Your
25 Honor recognized in the recent Fairfield decision, it's not

1 so much whether or not the Trustee will ultimately prevail
2 in this claim but whether a claim has been properly pled
3 under the law so that evidence can be taken for discovery.

4 So under New York law, to assert a claim for
5 piercing the corporate veil, a plaintiff must establish that
6 the owners exercised complete domination of the corporation
7 in respect to the transaction attacked and that such
8 domination was used to commit a fraud or wrong against a
9 plaintiff which resulted in plaintiff's injury.

10 You know, we heard some complaint from both
11 counsel today that there's no allegations concerning the
12 subsequent transfers which are the transactions attacked.
13 And I would dispute that, Your Honor because, as I pointed
14 out, Rafael Mayer and David Mayer were well aware of the
15 suspicions with respect to BLMIS investment going back to
16 2003 and 2004, based on their own investigation with Khronos
17 Group, which eliminated any third-party oversight as the
18 Second Circuit set forth in its summary of our facts
19 concerning the BLMIS questions regarding risk of fraud.

20 I would also submit that the 2010 document
21 production, you know, also shows that the Mayers, who were
22 the managing directors of the Khronos Group, at the time of
23 the transfers in question, the subsequent transfers in
24 question and certainly had knowledge that, you know, they
25 existed and produced documents showing their very existence.

1 You know, we've talked about Khronos being
2 dominated by the Mayers, which is set forth in our recovery
3 complaint at paragraph 108 where, again, there was a
4 restriction as set forth in the Trustee's complaint at
5 paragraph 108 in the recovery complaint and the Legacy
6 Capital amended complaint at paragraph 52 which was
7 incorporated by reference that the Mayers unusually
8 restricted access to Legacy Capital's BLMIS investment to
9 both Rafael and David Mayer, again removing any third-party
10 oversight and controlling the historical review of the BLMIS
11 Legacy Capital account statements.

12 As we said, these very allegations are cited in
13 the Second Circuit appeal decision.

14 Rafael Mayer, turning to paragraph 81, we've put
15 together a chart that shows that Rafael Mayer managed, at
16 the time the transfers were made, Montpellier, Montpellier
17 Resources, later Khronos Group, and Montpellier USA. These
18 all invested through Montpellier and Montpellier USA was
19 their majority owner and had voting and dispositive powers
20 over them, citing paragraph 69.

21 We've also alleged as part of the New York alter
22 ego analysis that Rafael Mayer -- all of these specific
23 entities, Montpellier, Khronos Group, Montpellier USA, KLOF,
24 Prince and Prince Resources all used Khronos LLC's New York
25 address to do business. Montpellier USA was managed as well

1 by Rafael Mayer and Khronos in New York, complaint 17 and
2 81, and we alleged that Montpellier Resources invested
3 through three entities of which it was the majority owner
4 and over which it had voting and dispositive power,
5 including Montpellier USA, paragraph 69. Montpellier
6 Resources was also managed by Khronos at the same time.

7 We talked about earlier how Rafael Mayer had
8 personal knowledge of subsequent transfers based on his role
9 of Khronos as the investment advisor and therefore, based on
10 his role as the investment advisor of both Legacy and
11 Khronos LLC, Rafael Mayer knew on the filing date, which was
12 December 11, 2008, that Legacy Capital could never satisfy a
13 judgment against it, citing complaint paragraph 112.

14 Thus, upon avoidance, it was imminent that the
15 Trustee would seek recovery of subsequent transfers within
16 the within the statutory time period set forth in Section
17 550(f) of the Bankruptcy Code.

18 Rafael Mayer also knew that all of the transfers
19 from Montpellier International to Montpellier Resources
20 occurred between September 2007 and October 2008. Now this
21 was prior to Montpellier Resources, later Khronos Group,
22 being directed into a segregated accounts company in or
23 about March of 2009. And Mr. Alter made reference to that
24 segregated accounts company, and that's citing paragraphs
25 63 and 91 of our complaint.

1 So to use Mr. Fisher's words, this is where we
2 start to see a shell game starting to unfold, you know, with
3 the background of the Mayers' knowledge of subsequent
4 transfers and the backdrop of the Mayers' role in terms of
5 Khronos LLC taking over any review of Renaissance's concerns
6 regarding the BLMIS investment and risk fraud.

7 So right after, you know, soon after the December
8 11, 2008 filing date, it was clear that Legacy Capital would
9 be liable for fictitious profits based on -- excuse me, when
10 it was clear that --

11 THE COURT: Aren't you just -- aren't you just
12 telling me your complaint? I was looking for rebuttal. But
13 it just seems to me you're just repeating your complaint.
14 Am I missing something?

15 MR. OLIVER: I'm trying to explain, Your Honor,
16 that the actions that we're complaining about are not just
17 limited to the liquidations and that the Mayers --

18 THE COURT: Okay. But didn't you say that in your
19 complaint basically?

20 MR. OLIVER: Well, we talk about the Mayers being
21 involved in creating a segregated accounts company after
22 having knowledge of the subsequent transfers. And this is
23 being set forth in paragraph 91. We also talk about the
24 Mayers having knowledge of the subsequent transfers by their
25 Rule 2004 document production in 2010.

1 THE COURT: Okay. Go ahead. Go ahead. If you
2 think -- if you think it's different, I want to hear it.

3 MR. OLIVER: -- which is in paragraph 98.

4 THE COURT: Okay.

5 MR. OLIVER: We then talk about in paragraphs 81
6 and 100 that Montpellier Resources name changed in August of
7 2010, where again the Mayers are creating a new entity in --

8 THE COURT: I didn't mean to interrupt your
9 argument. I just -- I just didn't want you repeating what's
10 in your complaint, and now that's what you're doing. So
11 just continue with your argument.

12 MR. OLIVER: We also have talked about KLOF
13 earlier and that the Mayers, you know, transferred --
14 created KLOF as an entity that was owned by Khronos LLC and
15 in turn transferred the continuing class assets to KLOF such
16 that those funds were owned by Khronos and both Mayer
17 brothers were managing directors of Khronos LLC at the time.

18 The Trustee alleges that in July of 2019, Khronos
19 Group transferred over \$109 million to KLOF, which was owned
20 by -- which was owned by Khronos LLC.

21 So again, we're -- the point here, Your Honor, is
22 to show that at multiple turns, and I appreciate this is
23 somewhat evident in our complaint and in our briefing, the
24 Mayers created a new entity that received new transfers of
25 money, each time creating an entity that they controlled.

1 And just to be clear, David Mayer, who was not a managing
2 director of KLOF but was an executive officer of KLOF in its
3 formation of 2011 when that transfer was made.

4 And as we, you know, alleged in our complaint,
5 KLOF succeeded and took over for Khronos Group and the
6 Trustee sought recovery of Montpellier's subsequent
7 transfers from KLOF, and that's paragraphs 94 to 95.

8 And we've also alleged specific incidents of
9 comingling of corporate funds. And, you know, these are --
10 I won't go through all of them. But they're in paragraphs
11 89 to 90 of our complaint. And chiefly important here is
12 that the Mayers did personally benefit by entities -
13 corporate entities paying their personal legal fees
14 responding to the Trustee's complaint -- to the Trustee's
15 Rule 2004 subpoena.

16 We also see the liquidations as part of the
17 overall shell game approach where the Mayers, as we know,
18 didn't provide notice to the Trustee. They were the
19 director submitting the declaration of insolvency for
20 foreign entities. And, you know, basically once again, like
21 we saw in 2003 and 2004, the Mayers removed all independent
22 oversight and, despite there potentially being other
23 directors of both Montpellier International, Khronos Group
24 and Prince, the Mayers, both Rafael and David Mayer, you
25 know, designed declarations of solvency knowing that there

1 were claims that the Trustee would bring based on, you know,
2 David Mayer and Rafael Mayer's own arguments that Legacy
3 Capital was impecunious and that Section 550(f) provided a
4 period of time to do so. so again we see the dissolution of
5 these two companies, Montpelier, Khronos Group and Prince
6 as a final step in the shell game where the misconduct of
7 the Mayers led to distributing assets away from the
8 Trustee's estate.

9 A final point, when we did avoid the judgment in
10 the Legacy Capital action, we see that there was discovery
11 misconduct once again with the Mayers because when the
12 Trustee served this Rule 2004 subpoena in the summer of 2020
13 on Khronos LLC, the Mayers did not -- or Khronos Group did
14 not provide the identity of the custodian of records for
15 Prince.

16 Now Prince -- you know, the management of Prince
17 was taken over in 2016 by Prince Capital, which is another
18 Mayer entity managed by David Mayer as a director and which
19 was formerly a subsidiary of Khronos LLC and run out of
20 Khronos' New York office.

21 So as Judge Bernstein noted in his Rule 2004
22 motion to quash hearing, that that particular identity
23 should have been turned over, it wasn't, and it wasn't in
24 fact turned over to the Trustee at the last possible minute
25 under Judge Bernstein's discovery order, again, in our view,

1 for the purposes of making this as difficult as it could be
2 for the Trustee to get information regarding subsequent
3 transfers.

4 For those reasons, I think our motion to dismiss -
5 - it's the Trustee's position that we have pled more than
6 enough at this stage for there to be an abuse of the
7 corporate forum, showing domination of David Mayer and
8 Rafael Mayer from Khronos LLC which is the investment
9 manager for each and every subsequent transferee at issue
10 and including those that were dissolved solely by the Mayers
11 without any notice or third-party oversight for voluntary
12 liquidations in the foreign -- in Bermuda and Cayman
13 Islands.

14 We also have pled that there's resulting injury to
15 the Trustee. In summary, the complaint alleges that money
16 was comingled among the dominated corporate defendants,
17 their assets were stripped and they were liquidated in order
18 to avoid repaying customer property to the BLMIS estate.

19 So the benefit to the Mayers and personal interest
20 is another issue that was raised by both Mayer counsel in
21 their arguments. We've asserted and alleged that the Mayers
22 were protecting friends and family investments from
23 recovery, citing paragraphs 71, 78 to 79 of our complaint.
24 And the Mayers were also seeking to profit from the
25 continued business by transferring assets to a new entity,

1 KLOF, that they controlled, and that's paragraph 79. We do
2 mention that the Mayers were profiting from this -- from
3 this creation of new entities and from keeping the money
4 away from the Trustee because they, as we know, were the
5 managing directors of Khronos which was getting investment
6 and performance fees at all times from these particular
7 entities. So there is a benefit to the Mayers which are
8 both reputational because, as we 'eve alleged, the funds
9 were, you know, were family-related and associate-related.
10 And also there's a fee aspect here too.

11 Finally, as Your Honor is aware, we've cited the
12 Baby Phat Holding Company LLC v. Kellwood Co., 123 A.D.3d
13 405 (1st Dept. 2004), which said that allegations of
14 corporate funds that were purposefully diverted to make it
15 judgment-proof of that a corporation was resolved without
16 making appropriate reserves for contingent liabilities are
17 sufficient to satisfy the pleading requirement of wrongdoing
18 which is necessary to pierce the corporate veil on an alter
19 ego theory.

20 And I think at this point, you know, I would
21 again, you know, just counter Mr. Fisher's argument that we
22 haven't addressed English law. I think that we certainly
23 have and we would take the position that our facts as pled
24 in the complaint also plead a plausible alter ego or
25 piercing the corporate veil complaint under foreign law,

1 which would be the law of England. Thank you, Your Honor.

2 THE COURT: Thank you. And your colleague?

3 MS. LONGSTAFF: Good afternoon, Your Honor.

4 Carrie Longstaff, on behalf of the Trustee. Your Honor, the
5 counsel for KLOF skipped the jurisdictional argument which
6 I'd like to -- you know, which I think goes to how specious
7 their argument is on that point, and I'd like to cover it
8 briefly.

9 I just want to point out that I do think that
10 there's general jurisdiction here over Khronos Liquid
11 Opportunities Fund. The officers and the directors were all
12 in New York. I mean, there's no -- the parties don't
13 dispute that it's a Cayman Island-exempt company. KLOF is a
14 mutual fund. It's run out of New York by its investment
15 manager, and it's run by Rafael Mayer. I mean, we've pled
16 this in our complaint.

17 And then even beyond the pleadings, which we tell
18 the Court that it really doesn't need to look to, but if you
19 look at Rafael Mayer's declaration, I mean, Exhibit K, they
20 admit that KLOF has no staff in the Cayman Islands. And
21 like I said, its current directors today are Mr. Mayer and
22 Denise Mincak who are both not only in New York, but are
23 officers and directors and owners of KLOF's investment
24 manager, Khronos LLC.

25 Furthermore if we look at Khronos' ADV, Khronos

1 LLC, that is, you can see that Mr. Mayer is the managing
2 director and portfolio manager of KLOF. Khronos LLC
3 provides investment advice for KLOF. It selects and
4 allocates the strategies and investments for KLOF. And
5 Khronos LLC has also allocated a portion of KLOF's capital
6 into its own separately managed account that's wholly owned
7 and controlled by Khronos LLC.

8 Khronos LLC also has custody of all of the funds
9 and all of the securities. And the other thing, which I
10 know is in our papers, but we pointed out that the
11 subscription agreement requires all paperwork be sent to
12 Khronos LLC in New York, all questions, all transfers of
13 shareholders all go to New York.

14 And KLOF still tries to say that it's in the
15 Cayman Islands. And what does it do to support that? It
16 gives this Court -- it points this Court to Exhibit M. And
17 Exhibit M gives a list of service providers. But it gives a
18 list of service providers in the U.S. as well as in Cayman,
19 and also missing from Exhibit M are pages, which as we've
20 told the Court, we have issues with the fact that we don't
21 have complete copies of documents.

22 And clearly the pages that are missing from that
23 Exhibit M, the authoring memoranda from KLOF, talk about the
24 investment advisory agreement. It talks about Khronos LLC,
25 and it talks about the directors. And none of that has been

1 produced to the Trustee. And there's no doubt that that's
2 relevant to show what KLOF is doing and who's running KLOF.
3 But we know from Khronos LLC's ADV, we know who's running
4 KLOF. It's Rafael Mayer and it's Khronos LLC out of New
5 York.

6 For that reason, we believe that there's specific
7 jurisdiction here, and we don't need to look at -- I'm
8 sorry, there's general jurisdiction here and we don't need
9 to look at specific jurisdiction because, as this Court
10 knows, you need to purposefully direct activities at the
11 forum. And the underlying cause of action needs to arise
12 out of or relate to those activities.

13 And KLOF says it wasn't in existence at the time
14 that the transfers went to Khronos Group, that the BLMIS
15 transfers went out to Khronos Group. But as the Trustee has
16 pled, KLOF succeeded and took over for the Khronos Group.
17 KLOF is Khronos Group's successor in interest and is a mere
18 continuation of the Khronos Group.

19 And because of that, Khronos Group's contacts with
20 this forum apply equally to KLOF in order to find specific
21 jurisdiction. And these entities, as Mr. Oliver just
22 explained, these entities aren't strangers to each other.
23 We're not dealing with strangers. We're dealing with all
24 Mayer-owned and controlled entities. These are the same
25 entities that are operating out of the same address, with

1 the same money, with the same people in New York.

2 Montpelier Resources, a Mayer entity, received
3 the BLMIS from Legacy Capital, another Mayer entity. That's
4 the BLMIS accountholder. Resources then transfers the BLMIS
5 money to Montpelier International, another Mayer-run
6 entity. They then rename Montpelier International as
7 Khronos Group. And then what do they do? They dissolve
8 Khronos Group. They decide they're going to dissolve
9 Khronos Group. But they turn it into KLOF, another Mayer
10 entity, another entity with Rafael Mayer.

11 KLOF succeeds and takes over for the Khronos Group
12 after the complaint is filed in the Picard v. Legacy action
13 in 2010. This was intentional. They were intentionally
14 moving money. We've pled that. We've pled that the Mayers
15 have intentionally dismantled structures and misused
16 corporate forums. And we've pled that they dismantled these
17 entities and replaced them with the structures centered
18 around KLOF.

19 And our claim here is to recover a transfer or the
20 value of that transfer. We don't need to prove that we're
21 getting the exact dollar that came out of BLMIS. The first
22 transfer out of BLMIS happened in New York. The subtenant
23 transfer happened in New York, and the subsequent transfer
24 happened here. These transfers were directed by the Mayers
25 in New York. So certainly they touched this forum. They

1 arise out of the activities in this forum. And there can be
2 no doubt that this Court has specific jurisdiction over
3 them.

4 So what KLOF tries to do is it tries to tell this
5 Court that it didn't get the money because you know what it
6 did? It became a -- they -- Khronos Group became a
7 segregated account, and it became a segregated account in
8 2009, right? In 2009. And so what it does is it says we're
9 going to create a distribution account and continuing
10 account. And the distribution account is going to get all
11 current assets and liabilities and the continuing account
12 will get all future assets and liabilities, and they put in
13 this declaration to try to prove this.

14 But if we step back for a minute about the
15 significance of the Mayer declaration, which I think Mr.
16 Oliver has touched on, in 2020, in July of 2020, we served a
17 subpoena on Khronos LLC as the manager of the various Mayer
18 funds, and we sought to get information related to
19 transfers. We had a meet-and-confer -- we didn't meet and
20 confer in good faith. They just moved, and they moved to
21 quash. And they wouldn't tell us who the custodian of
22 records was for Prince, and it turns out that's a Prince
23 entity.

24 And Judge Bernstein not only told them that they
25 should have told us who the custodian was, he also ordered

1 them to give us all information, all documents concerning
2 any and all transfers to and from Montpelier International
3 and Prince assets and any transfers to the transferees.

4 And so what did they do? They gave us a carefully
5 curated production of documents, very limited information
6 about the transfers. So now we have this new Mayer --
7 Rafael Mayer declaration that clearly contains documents
8 that were responsive to the Rule 2004 subpoena. I mean,
9 just if we look at Exhibit A and B to the Mayer declaration,
10 what are those letters? They seek the two transfers at
11 issue in this case from Legacy Capital shareholder,
12 Montpelier International. And it's for the \$27 million and
13 the \$50 million. And they were never provided to the
14 Trustee.

15 And now they seek to then provide limited
16 information to the Trustee. They give a page here, a page
17 there. We're not allowed to have everything. And all
18 they've ever done is they continue to have excuses about why
19 the Trustee can't collect the money. It either can't trace
20 the money, it shouldn't move forward with the recovery
21 action. We didn't get the money, it's not us.

22 So now if we go back to this continuing and the
23 distribution account story, the problem with this is they
24 split this in 2009. And then they give this Court Exhibit I
25 to say, you know what, we forgot about that Legacy Capital

1 liability. So in 2011, they get the advice of Dickstein
2 Shapira and Beckster Long. And who are they? They're the
3 counsel for Khronos LLC, David Mayer, Rafael Mayer and
4 Montpellier Resources who becomes Khronos Group. And they
5 tell them what the potential maximum liability is.

6 And they say, you know what, we're going to take
7 that maximum liability and we're going to put it over there
8 in the distribution account because we said so. we're
9 saying that's a past liability. That's where we're going to
10 stick it. And what they did is they just arbitrarily
11 assigned it over there. And Mr. Mayer does the declaration
12 to this Court and says, you know what, KLOF didn't get any
13 of the money. So you can't get anything from them.

14 And you know what they're saying here, Your Honor?
15 They're basically taking a pitcher of water and what they
16 did is they poured that pitcher of water into a cup. And
17 they said we're going to take this little part of the
18 pitcher of water, this cup here, and we're going to stick it
19 over there and we're going to call it the distribution
20 account. And we're going to say that includes the BLMIS
21 money. That's where it is. It's over there. And this
22 continuing piece is the rest of that pitcher of water and
23 we're going to keep it over here.

24 What they also don't tell you is that they then
25 took the money from the distribution account and they start

1 funneling it back into the continuing account. This is all
2 while it's still Khronos Group. And we only know this now
3 because we just got these documents. They have now -- we
4 now appreciate further, now that we've looked back at the
5 ledgers, that internally between the continuing account and
6 the distribution account, they have poured back \$500 million
7 in a matter of two years.

8 And the other thing they did that's most telling,
9 is if you look at Exhibit G, the distribution account was
10 always liquidating. In 2009, they were liquidating that
11 piece of Khronos Group. And you know the other part was the
12 continuing part. It was continuing on. They were going to
13 move on with everything.

14 And I think that's why it's important if you also
15 look at Exhibit J. Exhibit J is about how KLOF got the
16 continuing account. But you know what else they did? They
17 took everybody else's shares back from Khronos Group and
18 they handed them KLOF shares because they were restructuring
19 and the restructuring was in the best interest of the
20 company. You know which company? Khronos Group. So they
21 switched their hat and they were Khronos Group one day. And
22 the next day, they're calling themselves KLOF.

23 And not only did they give them new shares. They
24 also took the assets of Khronos Group and they took it
25 subject to all liabilities, according to Exhibit J. But

1 what they did is they continue to tell us, no, no, Khronos
2 Group had the money. It had sufficient assets. Look at all
3 these financial statements we've given you. But they don't
4 tell you anything. It's a bottom line number with no other
5 documents. And by the way, Khronos Group is gone. Khronos
6 Group is liquidated.

7 So this whole story about how the distribution
8 account still existed, how the money's there and you can get
9 it from them, there's no Rafael Mayer declaration explaining
10 how they're still monitoring the potential liability from
11 the Legacy Capital action, which we know is back in the
12 Second Circuit. So the liability just got bigger.

13 There's no information on this because Khronos
14 Group is gone. And you know what Khronos Group did? It
15 became KLOF. And they try to say that it didn't and they
16 try to say that it's false and it's a lie. But that's not
17 the case here.

18 So Your Honor, for these reasons, this is why we
19 say there's specific jurisdiction, and we also say that we
20 can recover the money from KLOF.

21 And I'd just like to turn quickly to the 550
22 point. Right? We have pled in our complaint all of the
23 steps, as counsel has walked through. And the final step we
24 plead is that KLOF succeeded and took over for Khronos
25 Group. And the documents they put in which shouldn't be

1 considered because it's a 12(b)(6) motion only hurts their
2 position and helps us. It only supports everything we've
3 said in this complaint. And then they try to say that,
4 well, Khronos Group didn't liquidate until 2007. And you've
5 said that it continued on and it continued to exist.

6 But that's not what we say in paragraph 104, which
7 they cite. All we say is they liquidated. And the fact
8 that it took them that time to finally shut the company down
9 once and for all doesn't mean that it operating, doesn't
10 mean that it had any assets, doesn't mean it was doing
11 anything.

12 The last thing we see from them is in 2011. So we
13 don't know where all the money went to. We know it's gone,
14 and we know there was a continuing piece. And we know in
15 '09, they were continuing and liquidating. The continuing
16 piece became KLOF.

17 And the only other thing I will add, Your Honor,
18 is just that even they try to say for the 550 piece that
19 maybe it went to distribution, maybe. They don't cite
20 anything because they know that this Court shouldn't be
21 looking at documents beyond the pleadings.

22 But the one thing that's clear is we did properly
23 plead the claim because, you know what, Khronos Group is
24 KLOF and we have the right -- Khronos Group got the money
25 and now we're seeking it from KLOF. KLOF can't just change

1 its name and say, no, no, we don't have the money. You
2 didn't provide us notice. We don't know. We don't know
3 what transfers we got. You didn't give us the vital
4 statistics. We did. We've provided the vital statistics
5 for the 550 claim. That's all I have, Your Honor. Thank
6 you so much.

7 THE COURT: Very good. Rebuttal?

8 MR. FISHER: Yes, Your Honor. Eric Fisher again,
9 for Rafael Mayer. I can't possibly address everything
10 that's been said, and of course I won't. I just want to
11 focus on a few things.

12 And maybe this is not such a delicate way to say
13 it. But I really think that the Trustee with this complaint
14 is testing the very outer limits of what he can get away
15 with. At the end of the day, the Court will of course need
16 to apply the pleading standards and look for facts in the
17 complaint that support these grand theories and these
18 conspiracy theories and these stories that the Court has
19 been told today that don't tie to facts that are alleged in
20 the complaint.

21 It's interesting that they describe Rafael Mayer
22 as this villain when they argue that this is not a fraud
23 complaint and they shouldn't be held to the standards of
24 Rule 9(b). So that's pretty interesting, and I think
25 demonstrates that they don't have the facts to support these

1 kinds of stories. But it doesn't matter because the
2 complaint fails under Rule 8 as well.

3 Discovery. This is not a discovery conference. I
4 do not know why we're arguing about discovery. But to be
5 really clear, because I was involved in that discovery and
6 because it's been so brutally mischaracterized, they issued
7 a subpoena. The subpoenaed parties challenged that
8 subpoena. It was litigated in front of Judge Bernstein who
9 narrowed the subpoena.

10 Before they filed the complaint, they agreed with
11 the subpoenaed parties that the subpoena, in accordance with
12 Judge Bernstein's narrowed order, had been complied with.
13 They said the subpoena was closed. They said if they wanted
14 more information, they'd have to issue it in the context of
15 litigation discovery.

16 And the idea that they're trying to bootstrap,
17 mischaracterize false alleged discovery abuses into some
18 basis to pierce the corporate veil is really nothing short
19 of an outrage.

20 They've also talked about how this case intersects
21 with the Second Circuit's good faith decision in the Legacy
22 case. And I didn't have a chance to speak to that in my
23 opening remarks. So I just really briefly want to speak to
24 that.

25 THE COURT: Okay.

1 MR. FISHER: Let's take the really wide view on
2 what's going on here and where this now goes. Okay. They
3 basically said, oh, we pled a Legacy complaint back in 2010.
4 By the way, they've conceded in their argument that they've
5 known since 2010 that the subsequent transferees were
6 Montpellier and Prince entities, and they never did anything
7 about it.

8 That being said, they said we pled a complaint
9 back then. The complaint pled factual knowledge and willful
10 blindness. And Judge Bernstein said, no, you haven't pled
11 enough facts to show that Khronos LLC or Legacy were
12 willfully blind or had actual knowledge of the fraud. It
13 went up on appeal to the Second Circuit. The Second Circuit
14 has not said that's not the right standard. It's an inquiry
15 notice standard. We're going to send it back to the
16 Bankruptcy Court to proceed.

17 Fine. And in the Legacy case, which I presume
18 will roll forward, there will be litigation about whether
19 Rafael Mayer as managing director of Khronos LLC which was
20 the investment manager to Legacy's shareholders and provided
21 other account services to Legacy, there will be questions
22 about was there anything that made you suspect that this
23 might be a Ponzi scheme. What due diligence did Khronos LLC
24 then do in response? And this is not the time for that
25 case.

1 But ultimately the question there is, okay, then
2 if they can follow the money to Legacy and they can follow
3 the money to other shareholders of Legacy, they can go ahead
4 and try to recover it. This general vague sense that Mr.
5 Oliver has that Rafael Mayer is a bad guy and therefore I'm
6 going to hold him personally liable for corporate transfers
7 has no basis whatsoever in the law, whatever Mr. Oliver or
8 the Court or I think of Mr. Mayer. It has no basis in the
9 law whatsoever.

10 And the other thing that the Court needs to be
11 careful about is the way that they throw terms around. And
12 this gets to the difference between conclusions and facts.
13 When they talk about this case, they talk about Mayer
14 entities and they talk about domination and control. Okay.
15 A CEO makes decisions for a company. A board of directors
16 makes decisions for a company. A majority shareholder
17 controls a company.

18 That doesn't mean that you can't pierce the
19 corporate veil, and they haven't actually alleged anything
20 more than that. They say Rafael Mayer is the managing
21 director of Khronos LLC which is an investment manager to
22 these entities and therefore can make lots of decisions for
23 these entities. Absolutely right. That's absolutely right.
24 And that's not a basis for piercing the corporate veil.

25 The only wrongful conduct is this notion that

1 money was put out of the reach of the Trustee by virtue of
2 the liquidation. That's really it when you look through the
3 conclusions and the fog and the mist and look for facts.
4 And when you realize that those are the only facts that
5 matter, you realize that UK law applies, and you realize
6 that as a matter of law, they cannot possibly proceed on
7 this alter ego theory which, as I said before, is
8 devastating to an individual human being without any basis.
9 It is an abuse of their power.

10 THE COURT: Very good.

11 MR. STEARNS: I will be very brief, Your Honor. I
12 know that you've listened patiently to a long argument. But
13 let me tell you what you didn't hear.

14 In response to our point that New York expressly -
15 - bankruptcy law expressly prohibits reliability for aiding
16 and abetting, taking money out of a transfer. The case is
17 Klein v. Tabatchnick. I would urge the Court to read the
18 case. It is cited at 459 F.Supp 707. You'll see the Second
19 Circuit dealt with it at 610 F.2d 1043.

20 In that case, a senior officer, in fact, the
21 president of a company allegedly took money that was subject
22 to a 505 claim, and that money was then -- a 550 claim, and
23 that money was then transferred to friends and family. And
24 the Court said there is no aiding and abetting liability
25 under 550, period, end of story.

1 So what you heard over a lengthy period of time is
2 two arguments. One argument is what's in the complaint over
3 and over and over again, which repeats the same arguments
4 that essentially now we hear they're making an aiding and
5 abetting claim because their dissolution claim that occurs
6 ten years after the transfers is so preposterous, there's so
7 basically no claim that, forget the foreign law issue for a
8 minute, whether you're dealing with New York law, whether
9 you're dealing with Cayman law, whether you're dealing with
10 the law in the Bermuda, there's no claim here. It's ten
11 years after the transfers.

12 And so now what they're saying, well no, no, go
13 back and look at all the other things these officers did in
14 their corporate capacity. They aided and abetted. That's
15 what their argument is, and they can't make that argument.

16 And let me tell you, it isn't in the complaint in
17 any event. What you heard in the last half-hour was an
18 argument that isn't anywhere found in this complaint. In
19 fact, the most important thing they said in their reply
20 brief is, Judge, please let us amend because what you have
21 is a case that literally, it is a designer theory to avoid
22 the Klein decision. And you can't avoid the Klein decision.
23 There's no personal liability of David Mayer for allegedly
24 participating in aiding and abetting moving monies to
25 transfers. And by the way, these transfers occurred in '08

1 and '09 and the Trustee knew about it in 2010.

2 And so if the money that came in and was
3 transferred out and then allegedly there's a dissolution ten
4 years later, you cannot breathe life into a claim that
5 didn't exist in 2010 by saying a dissolution in 2020 when
6 there's no allegation by 2020 there was any money left in
7 that fund in any event. I mean, it's just a preposterous
8 legal theory unsupported by these facts. And these
9 individuals, David Mayer has no business being part of this
10 claim.

11 And the last point I want to make is over and over
12 and over again they say the Mayers, the Mayers, the Mayers,
13 the Mayers, the Mayers. There are two Mayers in this case,
14 Rafael Mayer and David Mayer. They're two human beings.
15 They live in different countries. And the process of adding
16 them together and treating them so that if one is a
17 corporate officer of one entity, their argument is they're
18 all the corporate officers because they're brothers.

19 It doesn't work that way. Group pleading is
20 inappropriate, and the argument that they rely upon to
21 continue to make that argument is clearly an inappropriate
22 under a 12(b)(6) argument. But frankly, you don't even need
23 to get there because there's no claim here. So
24 respectfully, Your Honor, the motion to dismiss should be
25 granted.

1 THE COURT: Very good. Very good. I heard you
2 clearly.

3 MR. OLIVER: If I may just a few moments, Your
4 Honor, in rebuttal to arguments made for KLOF?

5 THE COURT: Go ahead.

6 MR. ALTER: First of the jurisdictional points,
7 you know, Your Honor, with regard to general jurisdiction, I
8 would like to refer the Court to a case I came upon in
9 preparing for the argument. It's a Second Circuit case
10 which interpreted Daimler which is one of the leading
11 Supreme Court cases on general jurisdiction. And the name
12 of the case is Gucci America v. Li, and you can find it at
13 768 F.3d 122, jump cite 135, Second Circuit 2014. And I'll
14 read you the quote directly which I think bears on the
15 analysis here.

16 It speaks about general jurisdiction available
17 against foreign corporations. And it says, "Only where its
18 contacts are so continuous and systemic, judged against the
19 corporation's national and global activities, that it is
20 essentially at home in the state." So the Circuit has read
21 the law to require that the Court also do a measure, a
22 balance as to what the companies' activities are both
23 nationally and globally.

24 As we set out in our papers, Your Honor, at most,
25 at any time, there was a 0.12 percent U.S. ownership in

1 KLOF. That was the participation of American individuals
2 and investment, 0.12 percent. And I argue to the Court that
3 under Gucci, that's not the kind of continuous and systemic
4 contacts judged against a corporation's national and global
5 activities, national and global that can present general
6 jurisdiction for all claims in all purposes in the United
7 States.

8 On specific jurisdiction, we rely on Your Honor's
9 articulation of the rule in the Fair Sentry case and it
10 requires that a defendant show that the culpable conduct
11 involves at least in some part financial transactions that
12 touch the forum.

13 You know, Your Honor, in responding to that, the
14 Trustee points to everybody else but KLOF. KLOF wasn't even
15 in existence. KLOF came into existence in 2011. So it's
16 really hard to imagine that KLOF can be tagged with any
17 culpable conduct. They may want to point to all these other
18 entities. And I support if the Court is going down the
19 route of piercing corporate veils, that may have an impact
20 on the Court's analysis. But without that, no, there is no
21 culpable conduct that they can -- one, that KLOF ever
22 committed but, two, that ever touched the corporate forum.

23 And next, you know, there's a standard analysis in
24 specific jurisdiction law that requires you to consider
25 whether the company ever, ever anticipated being called into

1 a U.S. court. Well, Your Honor, we heard the Trustee's
2 interpretation of the documents attached in our motion which
3 related solely to the jurisdictional point. And that became
4 a little unclear in the Trustee's argument a moment ago.

5 But the point that we made with those documents is
6 that, one, KLOF never received the funds. Now the Trustee
7 went off on a tirade of speculation about what happened
8 between accounts and monies that were transferred. There's
9 no evidence to that and it's not pled in the complaint. But
10 the evidence that we provided showed that KLOF never
11 received the funds.

12 Two, Khronos Group remained solvent after 2011
13 transfer to KLOF. So in other words, even after the monies
14 were sent from Montpellier to KLOF -- from Khronos Group to
15 KLOF, KLOF was solvent and could have met any judgment
16 entered by the Trustee. Why would KLOF feel that it could
17 be haled into court if there was a solvent entity still in
18 existence that could answer for the Legacy transfer claim?

19 And then there's the fact that KLOF and Khronos
20 Group coexisted for six years until Khronos Group was
21 dissolved. Again this goes to the very odd notion which is
22 entirely unsupported and is absolutely contradicted by
23 paragraph 114 which reads, "On September," -- I'm sorry,
24 104, which reads, "On September 6, 2007, Khronos Group was
25 dissolved after voluntary liquidation." It was there. It

1 existed for six years. Why would KLOF feel that it could be
2 haled into court when the potential defendant in a 550 case
3 was in existence? It makes no sense.

4 Now -- and it's self-contradictory. It
5 contradicts -- the complaint's allegations contradict
6 themselves because, again, as I started out in my argument
7 by saying that the touchstone argument here, Your Honor, for
8 the Trustee is that somehow there was some sort of successor
9 liability -- I'm sorry, successor in interest liability I
10 believe the Trustee's counsel referred to in her argument.
11 Respectfully, where does the Trustee get that?

12 There's no -- first of all, there's no allegation
13 other than that conclusion. There's no allegation of any
14 transaction. There's no allegation of any contract or
15 merger. Nothing. Silent. Okay. Secondly, as I just
16 pointed out, the succeeded entity lasted for six years after
17 the transfer.

18 Look, the story told, the Trustee brought this
19 complaint. The Trustee, by the book, must be held to the
20 rule of stating the facts that state a claim. We heard a
21 very impassioned response by Trustee's counsel, none of
22 which is contained in the complaint. They made a
23 representation that they can show \$500 million went to the
24 continuing account. I don't think that's possible. But
25 they did not allege it.

1 You have a huge chasm between Khronos Group and
2 KLOF. And until and unless they can close that chasm, there
3 is simply no cause of action in law. That winds up my
4 argument, Your Honor.

5 THE COURT: Very good. Very good. I'm taking
6 under advisement. You'll receive a written opinion.

7 MR. ALTER: Thank you, Your Honor.

8 MR. OLIVER: Thank you, Your Honor.

9 THE COURT: Thank you for hosting. So you have to
10 turn us all off.

11 MR. STEARNS: Thank you, Your Honor.

12 MR. ALTER: Thank you, Your Honor.

13 THE COURT: Very good. Have a good day.

14 MR. FISHER: You too, Your Honor.

15 THE COURT: Thank you for your arguments.

16 MR. OLIVER: Thank you.

17

18 (Whereupon these proceedings were concluded.)

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C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certified that the foregoing
transcript is a true and accurate record of the proceedings.



Sonya Ledanski Hyde

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Date: September 17, 2021